

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION No.4445 OF 2018

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India assailing the order dated 23.04.2018 passed in I.A.No.871 of 2017 in O.P.No.1694 of 2016 on the file of the Additional Family Court, City Civil Court at Hyderabad.

2. Heard the learned counsel for the petitioner and perused the material available on record.

3. A perusal of the record reveals that the respondent filed O.P.No.1694 of 2016, under Section 13(1)(ia) of the Hindu Marriage Act, on the file of the Additional Family Court, City Civil Court at Hyderabad, against the petitioner for dissolution of the marriage. During pendency of the O.P., the respondent filed I.A.No.871 of 2017, under Section 24 of the Hindu Marriage Act, against the petitioner claiming maintenance of Rs.25,000/- per month and Rs.20,000/- towards legal expenses. The petitioner filed a counter, before the trial Court, opposing the claim of the respondent. The Family Court, after affording a reasonable opportunity to both parties, allowed the petition in part. Hence, the revision.

4. Now the point that arises for consideration in this revision is:

“Whether there is any illegality, irregularity or impropriety in the impugned order which warrants interference of this Court?”

5. A perusal of the record reveals that the marriage of the respondent was performed with the petitioner on 06.02.2011 at Mahendra Gardens Function Hall, Chappal Bazar, Kachiguda,

Hyderabad, as per Hindu Rites and Caste Customs. Immediately after the marriage, the respondent joined the petitioner to lead marital life. Out of lawful wedlock, the petitioner and respondent were blessed with a daughter, who is now aged about four years. For one reason or other, bad weather prevailed in the family life of the petitioner and respondent; therefore, the respondent has been staying at her parent's house along with her daughter. The respondent filed I.A.No.871 of 2017 claiming maintenance of Rs.25,000/- per month and Rs.20,000/- towards legal expenses. The Family Court granted monthly maintenance of Rs.8,000/- to the respondent as well as her minor daughter and Rs.10,000/- towards legal expenses.

6. The question that falls for consideration is whether the quantum of maintenance granted by the Family Court is on higher side?

7. There is no dispute between the parties with regard to their relationship. It is the case of the respondent that the petitioner has been working as a Teacher in Narayanaguda. It is the case of the petitioner that the respondent is also working as a Teacher. In the counter the petitioner has taken a specific plea that previously he worked as teacher in the school at Narayanaguda. The petitioner did not choose to file a single scrap of paper to substantiate his stand that he was removed from service. The possibility of taking this type of pleas, in order to overcome the latches on their part, cannot be ruled out completely. If really the petitioner was not working as a Teacher, what prevented him to produce any document before the Family Court? The petitioner

failed to establish that the respondent is having a house and working as a Teacher. The material placed before the Court clinchingly establishes that the respondent is not having any source of income. The respondent has to look after welfare of her daughter, who is aged about four years. Admittedly, the respondent and her daughter are staying in Lalapet, Hyderabad. It is needless to say that the cost of living is increasing day by day. An amount of Rs.8,000/- per month is hardly sufficient for sustenance of an individual, more particularly, in Hyderabad and Secunderabad Cities. The respondent has to admit her child in any school. The Family Court, taking into consideration all these aspects, granted an amount of Rs.8,000/- towards monthly maintenance for the petitioner as well as her daughter. The Family Court has assigned reasons much less cogent and valid reasons to its findings. I am fully agreeing with the findings recorded by the Family Court. Viewed from any angle, the amount of maintenance awarded by the Family Court is just and reasonable. There is no illegality, irregularity or impropriety in the order of the Family Court warranting interference of this Court while exercising the jurisdiction under Article 227 of the Constitution of India. The petition lacks merits and *bona fides*.

8. In the result, the Civil Revision Petition is dismissed. There shall be no order as to costs. Consequently, Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 03.08.2018
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