

THE HON'BLE SRI JUSTICE A. RAJASEKHAR REDDY

CIVIL REVISION PETITION No.5937 of 2018

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed challenging the Order in I.A.No.978 of 2017 in HMOP No.37 of 2017 passed by the Principal Senior Civil Judge, Tirupathi, wherein and whereby the Court below granted interim maintenance of Rs.10,000/- to the respondent herein and her child.

Learned Counsel for the petitioner submits that Section 26 of Hindu Marriage Act has no application to the present facts of the case. The child of the respondent is not entitled for any maintenance. Granting interim maintenance to the child is not proper. The trial Court, without any basis, granted the said interim maintenance *pendente lite* under the provisions of the Hindu Marriage Act. The petitioner herein is an unemployed and not doing work and prayed to allow the present revision.

On the other hand, learned counsel for the respondent submits that the Court below after considering the evidence on record and the admissions made by the petitioner herein, granted an amount of Rs.10,000/- to the respondent and her child as against Rs.20,000/- claimed by the respondent under Sections 24 and 26 of Hindu Marriage Act. The same cannot be interfered with since it is an interim arrangement.

In this case, it has to be seen that the Court below, in para No.6 (3) of the impugned Order, while granting maintenance to the respondent and her child, observed as follows:

“ As I earlier discussed and as argued by the learned counsel for the respondent-husband, the petitioner did not file any document to prove the financial status of the respondent-husband. But, the learned counsel for the petitioner had drawn

my attention the deposition of PW.1/respondent-husband in this petition. In his evidence, he categorically admitted that around four thousand relatives and friends attended his marriage. He also admitted that Sri Balakrishna, Cine Actor also attended traditional ceremony (Nalagu) before the marriage and blessed him. He further admitted that he is in Telugu Desam Party and fan to Sri Nara Chandrababu Naidu, the Chief Minister of Andhra Pradesh, and he used to give donations to the party. So, from these admission, it is prima facie clear that the respondent-husband is not in a pitiable financial condition. If so, he could not have invited four thousand relatives and friends to the marriage. Moreover, he used to give donations to the party. So, from the said statements, it is clear that the respondent husband is capable of maintaining the petitioner-wife and their child."

The impugned Order passed by the trial Court is an interim arrangement *pendente lite*. The Court below has considered the issue by taking into consideration the admissions made by the petitioner. A perusal of the impugned Order goes to show that after analysing entire evidence on record, the Court below granted Rs.10,000/- as against Rs.20,000/- to the respondent and her child. Therefore, I do not see any reason to interfere with the findings recorded by the Court below, by exercising power under Article 227 of the Constitution of India.

Accordingly, this Civil Revision Petition is dismissed. The Court below is directed to dispose of the petitions filed by the petitioner and the respondent in subject HMOP, as expeditiously as possible, preferably, within a period of Six (06) months from the date of receipt of a copy of this Order.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

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A. RAJASHEKER REDDY, J

Dt: 30-11-2018

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