

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CIVIL REVISION PETITION No.6039 of 2018

ORDER:

On perusal of the order impugned, this Court is of the considered view that this Civil Revision Petition can be disposed of at the admission stage without expediency to order notice to respondent.

This Civil Revision Petition is directed against the order dated 27.7.2018 in I.A.No.165 of 2018 in H.M.O.P.No.45 of 2017 passed by VII Additional District Judge, West Godavari District at Eluru, granting interim maintenance of Rs.10,000/- per month to the respondent/wife.

The grievance projected by the learned counsel for the petitioner Sri C.Sharan Reddy is that the impugned order is self evident that it was passed without affording an opportunity to the petitioner to put forth his case. Therefore, the present petitioner had no occasion to effectively resist the petition filed by the present respondent herein seeking interim maintenance of Rs.20,000/-. On a close perusal of the order impugned, this Court finds force in the above submission. The petitioner herein filed H.M.OP.No.45 of 2017 against the respondent herein seeking divorce. Pending said petition, the respondent herein filed I.A.No.165 of 2018 under Order 24 of the Hindu Marriage Act praying to grant interim maintenance of Rs.20,000/- to her and Rs.10,000/- each to her

two minor children. The impugned order reads that on the date of hearing, the respondent herein who is the petitioner in I.A.No.165 of 2018 reported ready but the petitioner who is respondent in the said petition sought time and accordingly the matter was posted to 27.8.2018. However, the trial Court directed the petitioner herein to pay monthly maintenance of Rs.10,000/- on the 6th day of every succeeding month till the disposal of the H.M.O.P. for sustenance of respondent herein. The order impugned is self explanatory of the fact that trial Court did not make any endeavor to examine into the means of the petitioner herein and quantum of interim maintenance that is entitled to by the respondent. Therefore, intervention of this Court is essential.

In the result, the Civil Revision Petition is allowed by setting aside the order in I.A.No.165 of 2018 in H.M.O.P.No.45 of 2017. The trial Court is directed to conduct enquiry and after hearing both sides, pass order on merits, expeditiously, not later than eight weeks from the date of receipt of copy of this order. No costs.

As a sequel there to, miscellaneous petitions, pending if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date:19/12/2018

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