

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CIVIL REVISION PETITION NO.5533 OF 2017

O R D E R

Aggrieved by the order dated 23.08.2017 in I.A.No.105 of 2017 in FCOP No.1474 of 2015 passed by the Family Court, Ranga Reddy District at L.B.Nagar, requiring him to pay interim maintenance of Rs.15,000/- per month to his son, Siddhartha Lochan Arunachalam, and Rs.25,000/- towards the legal expenses of his wife, the husband filed this revision petition.

FCOP No.1474 of 2015 was filed by the petitioner-husband seeking dissolution of his marriage with the respondent-wife on the grounds of cruelty and desertion. I.A.No.105 of 2017 was filed therein by the respondent-wife under Section 24 of the Hindu Marriage Act, 1955 for interim maintenance and for legal expenses.

In the affidavit filed in support of this I.A., she stated as follows: Her husband paid Rs.90,000/- towards the maintenance of his son in December, 2015 and did not pay a pie thereafter. She was meeting all his expenses, including medical expenses. The child was about to be admitted in a reputed play school in Hyderabad. From the date of her son's birth, he was looked after by her and her parents and her husband, despite being the father of the child, did not support his upkeep. She was spending Rs.20,000/- to Rs.25,000/- per month to meet the child's medical expenses, maintenance, etc. She was intending to admit him in a better play school in the next academic year and needed Rs.50,000/- at least per month for his maintenance and to meet his school fee, transportation, clothing expenses, etc. She required a sum of Rs.1,00,000/- to prosecute and contest the divorce

proceedings initiated against her by her husband. She asserted that he was working in a reputed multinational company, *viz.*, Deloitte India, as a software engineer and was earning about Rs.2,00,000/- per month. She prayed for Rs.50,000/- per month towards the maintenance *pendente lite* of the child and Rs.1,00,000/- for meeting the expenditure towards transportation to prosecute and contest the legal proceedings.

The petitioner-husband filed a counter rebutting the aforestated averments. Therein, he stated as follows: He sent Rs.1,60,066/- between May, 2014 and December, 2015 towards the expenses of his wife and child. His wife was educated and was earning Rs.1,30,000/- per month. She joined in Sasken Technologies Limited as a software engineer in 2007 and was currently employed as a Lead Engineer in the said company at Madhapur, Hyderabad. She did not file any documents in proof of the expenditure claimed by her towards the maintenance of the child. It is unbelievable that she would have to incur Rs.20,000/- to Rs.25,000/- per month for a two year old child. Her claim for Rs.1,00,000/- for meeting the expenditure to prosecute the divorce case was also high. The allegation that he was earning Rs.2,00,000/- per month was false and his wife may be put to strict proof of the same. He concluded by stating that as it was his responsibility to look after his son, he was willing to pay Rs.7,500/- per month towards his maintenance *pendente lite*.

Upon considering these rival pleadings, the Family Court, Ranga Reddy District at L.B.Nagar, observed that the child was to be admitted in Kidzey International School, a reputed play school, but no document had been filed in proof of the school fee and other

expenses. It was however noted that both the parents were software engineers and the petitioner-husband had admitted in open Court that he was earning Rs.1,50,000/- per month. Opining that the he had some responsibility to maintain the child, the Family Court took into account the economic status of the parties and directed the petitioner-husband to pay Rs.15,000/- per month towards the interim maintenance of the child. As regards the claim of the respondent-wife for expenses to attend the Court and other incidental expenditure, the Family Court directed payment of Rs.25,000/- in lumpsum.

Though Sri Brahmadandi Ramesh, learned counsel for the petitioner-husband, would contend that the quantum of interim maintenance fixed by the Family Court is on the higher side, he does not dispute the admission made by his client before the Family Court that he was earning Rs.1,50,000/- per month.

Relying on the counter-affidavit filed before this Court, Sri D.Rajasekhar, learned counsel for the respondent-wife, would submit that the father of the petitioner-husband retired as a Branch Manager in the LIC of India and drew pension. Similarly, his mother also drew pension, having retired as a Lecturer in a Government Degree College. He would state that the petitioner-husband is now earning much more and could very well pay the maintenance amount as directed.

The petitioner-husband did not choose to file a reply-affidavit rebutting the aforestated averments.

At this stage, it may be noted that the child would obviously be brought up in keeping with the social and economic milieu to which the parties belong. As to how much would be sufficient to

meet the monthly expenditure to maintain such a standard of living of the child, including his school, clothing, transportation and medical expenses, cannot be gauged by this Court without independent material, which is not forthcoming presently. However, in the light of the salary incomes of both parents, it cannot be said that monthly interim maintenance of Rs.15,000/- to be paid by the petitioner-husband is on the higher side. Given the fact that his responsibility for the maintenance of his parents, who are both pensioners, seems to be on the lighter side, the petitioner-husband can very well afford to pay the said sum towards his child's welfare. Further, though the respondent-wife sought a higher sum of Rs.1,00,000/- towards expenses to fight the litigation, she was awarded only Rs.25,000/-. No grounds have been established before this Court to demonstrate that the said amount is on the higher side or is unwarranted.

This Court therefore finds no reason to interfere with the order under revision. The civil revision petition is devoid of merit and is accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

09th MARCH, 2018
PGS

SANJAY KUMAR, J