

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION NO.6968 OF 2017

ORDER:

This civil revision petition is filed by the petitioner-husband under Article 227 of the Constitution of India assailing the order dated 05.10.2017 in I.A.No.705 of 2017 in O.P.No.249 of 2016 on the file of the Additional Family Court, City Civil Court, Hyderabad.

2. Heard the learned counsel for both the parties.

3. The parties are hereinafter referred to as they were arrayed before the trial Court.

4. A perusal of the record reveals that the marriage of the petitioner was performed with the respondent on 16.03.2008 at GRK Garden Function Hall, Bandlaguda Jagir, Ranga Reddy District, as per the Hindu rites and caste customs. Immediately after the marriage, the respondent joined the petitioner to lead matrimonial life. For one reason or the other, disputes arose between the petitioner and the respondent. Petitioner filed O.P.No.249 of 2016 on the file of the Additional Family Court, City Civil Court, Hyderabad against the respondent under Section 13(1)(ia) of the Hindu Marriage Act ("the Act" for brevity) for dissolution of the marriage. Pending the said O.P., the respondent filed I.A.No.705 of 2017 under Section 24 of the Act claiming maintenance of Rs.40,000/- per month from the petitioner. The trial Court allowed the petition in part by granting maintenance at Rs.10,000/- per month to the respondent. Hence, the revision.

5. There is no dispute with regard to the relationship between the parties. For one reason or the other, bad weather prevailed in the family life of the petitioner and the respondent. The respondent has been residing at her parents' house. It is the case of the respondent that the petitioner is having a house bearing No.13-6-822/B/23, Bapunagar, Langerhouse, Hyderabad and getting a monthly rent of Rs.20,000/-. It is the further case of the respondent that the petitioner is having another house bearing No.9-1-45/53/7/1, Prashanthnagar, Langerhouse, Hyderabad and getting a monthly rent of Rs.10,000/-. The petitioner is also getting a monthly rent of Rs.20,000/- on the Function Hall situated in Andapur Village.

6. I have carefully perused the counter filed by the petitioner before the trial Court. The petitioner did not specifically deny the above said facts. Mere denial of the petitioner is not sufficient to demolish the case of the respondent. The respondent has been residing in Hyderabad at her parents' house. The record *prima facie* reveals that the petitioner is having three houses. It is not the case of the petitioner that the respondent is having any house in Hyderabad. Whether the petitioner is getting a monthly rent of Rs.50,000/- or not is to be decided at the time of final hearing.

7. A perusal of the record *prima facie* reveals that the petitioner is having sufficient means to pay maintenance to the respondent. Absolutely, there is no material on record to establish that the respondent is having any source of income. Though the respondent claimed maintenance of Rs.40,000/- per month, the trial Court granted only Rs.10,000/- after taking into consideration the

material available on record. The amount of Rs.10,000/- is hardly sufficient for sustenance of an individual more particularly in Hyderabad city. It is the duty of the husband to provide reasonable amount of maintenance to his wife.

8. Taking into consideration the facts and circumstances of the case, this Court is of a considered view that granting of maintenance of Rs.10,000/- per month to the respondent is not on higher side. The finding recorded by the trial Court is supported by the material much less legally admissible material. There is no illegality or irregularity warranting interference with the order of the trial Court.

9. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.



T.SUNIL CHOWDARY, J

2nd July 2018
RRB