

HIGH COURT FOR THE STATE OF TELANGANA
THE HON'BLE SRI JUSTICE RAGHVENDRA SINGH CHAUHAN

AND

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

F.C.A.No.42 of 2009

Date: 05.02.2019

Between:

Machavarapu Allen David

...Appellant

and

Machavarapu Mery Tabitha

...Respondent

Counsel for the appellants : Mr. Kowturi Pavan Kumar
represented by
Mr. M.V.Hanumantha Rao

Counsel for the respondent : Mr. P.V. Vidyasagar

The Court made the following:

JUDGMENT: (Per the Hon'ble Sri Justice Raghvendra Singh Chauhan)

The learned counsel for the appellant submits that the appellant-husband is not so much aggrieved by the divorce granted to him by the learned Family Court, Nalgonda in O.P.No.39 of 2008, by order dated 23.07.2008, as he is aggrieved by the direction of the learned Family Court that he shall pay Rs.3,000/- per month to the respondent-wife, and Rs.2,000/- per month to the female child born during the wedlock. Therefore, he has filed the present appeal before this Court.

On the other hand, the learned counsel for the respondent-wife submits that the direction to pay Rs.3,000/- per month to the respondent-wife and Rs.2,000/- per month to the child is not an unreasonable amount, which cannot be afforded by the appellant-husband. He further pleads that by order dated 30.03.2009, this Court had already limited the directions of the learned Family Court, and had directed the appellant-husband to pay merely Rs.2,000/- per month to the respondent-wife, and Rs.1,000/- per month to the child. Therefore, according to the learned counsel for the respondent, the appellant-husband, in fact, is liable to pay the arrears of the maintenance to the respondent-wife, and to the child. Hence, the learned counsel for the respondent has supported the impugned order.

Needlesstosay, while a divorce is granted, the wife is entitled either for permanent alimony, or for the maintenance, for the rest of her life. The learned Family Court had granted a maintenance of Rs.3,000/- per month to the respondent-wife and Rs.2,000/- per month to the child. Obviously, the said amount is not an exorbitant amount to be granted to the respondent-wife and to the

child. Considering the fact that the child continues to stay with the respondent-wife, the mother, and considering the fact that it would be the responsibility of the mother to educate the child and eventually to settle the child, granting maintenance of Rs.3,000/- per month for the mother and Rs.2,000/- per month for the child is rather reasonable. Therefore, the appellant-husband is not justified in challenging this part of the impugned order.

Hence, this Court does not find any merit in this appeal; it is, hereby, dismissed.

The appellant-husband is directed to deposit the arrears of maintenance at the rate of Rs.1,000/- per month in favour of the respondent-wife, and Rs.1,000/- per month in favour of the female child, from April, 2009 till January, 2019, within a period of two months from today.

The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(RAGHVENDRA SINGH CHAUHAN, J)

(T. AMARNATH GOUD, J)

05th February, 2019
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