

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.No.264 of 2019

ORDER:

This Revision is filed assailing the order dt.27.11.2018 in I.A.No.819 of 2018 in O.P.No.121 of 2017 of the Judge, Additional Family Court, Hyderabad.

2. Petitioner herein is the husband of the respondent. Respondent had filed the above O.P. under Section 13(1)(1a) of Hindu Marriage Act, 1955 against the petitioner for grant of decree of divorce on the ground of cruelty. She also sought permanent alimony of Rs.25,00,000/- from him and sought direction to the petitioner to return the articles mentioned in the list annexed to the O.P., which she alleged were given as gifts.

3. Petitioner filed a counter opposing the relief claimed in the O.P.

4. Respondent then filed I.A.No.819 of 2018 under Section 24 of the Hindu Marriage Act, 1955 seeking grant of interim maintenance of Rs.50,000/- per month and legal expenses of Rs.50,000/- pending disposal of the O.P. She contended that dowry was taken by the parents of the respondent at the time of the marriage and she was mentally and physically harassed by the petitioner and additional dowry was also demanded. She also contended that the petitioner made the respondent to resign her job and did not take her along with him to United States of America. She alleged that the petitioner is a Software Engineer working in Infosys Company and

earning Rs.2,00,000/- per month and she is only a house wife without any income and she is unable to maintain herself.

5. Petitioner denied the above allegations and contended that the respondent is not interested in the marriage at all and she is responsible for the breakup of marriage. He also contended that he is getting meagre salary with which he has to maintain himself and his aged parents who were suffering from ill-health. He also claimed that he had an unmarried sister living with him who was being taken care of by him, that he was paying EMIs for a housing loan, and that the application has been filed only to harass the petitioner.

6. No oral evidence was adduced by both the parties. Respondent did not adduce even any documentary evidence but the petitioner marked Exs.R-1 & R2.

7. Ex.R1 showed that gross salary of the petitioner was Rs.1,28,012/- per month in June, 2018 and his net salary was Rs.97,844/- per month. Ex.R2 showed that petitioner was drawing gross salary of Rs.1,47,267/- per month and net salary of Rs.1,10,205/- per month in July, 2018.

8. After taking into account these documents, the Court below held that even if the petitioner had to maintain his parents and unmarried sister, respondent cannot be deprived of minimum necessities of life as per the standard of living of the respondent and award of a sum of Rs.20,000/- per month towards interim maintenance and Rs.20,000/- towards legal expenses would meet the ends of justice. The Court below directed payment of interim

maintenance of Rs.20,000/- per month from the date of filing of I.A.No.819 of 2018 on 22.06.2018 till the disposal of the main O.P., and to pay arrears in three equal monthly installments commencing from December, 2018 and to continue to pay the interim maintenance on or before 10th day of every calendar month and directed the petitioner to credit the said amounts to the bank account of the respondent.

9. Assailing the same, this Revision is filed.

10. Counsel for the petitioner contended that the amounts awarded towards interim maintenance and legal expenses by the Court below to the respondent is exorbitant; that the Court below failed to take into account petitioner's responsibilities such as taking care of his aged parents and unmarried sister; and that the respondent was merely harassing him by filing O.P. though petitioner is keen to continue with the marriage.

11. It may be that the petitioner has to take care of his aged parents and unmarried sister, but there is no evidence to show that his parents are ill and what expenditure the petitioner is incurring towards their treatment.

12. When the gross salary of the petitioner in July, 2018 was Rs.1,47,267/- per month, in my considered opinion, grant by the Court below of Rs.20,000/- per month towards interim maintenance to the respondent from the date of filing of I.A.No.819 of 2018 on 22.06.2018 along with legal expenses of Rs.20,000/- cannot be said to be exorbitant, even assuming that the petitioner has other

responsibilities/liabilities to meet. The Court had kept in mind the standard of living required for the respondent and also the expenditure to be incurred for her minimum necessities of life in arriving at the above figures.

13. Therefore, I do not find any error of jurisdiction in the order passed by the Court below warranting interference by this Court under Article 227 of the Constitution of India.

14. Accordingly, this Civil Revision Petition is dismissed. No order as to costs.

15. Consequently, Miscellaneous petitions pending if any shall stand dismissed.

M.S. RAMACHANDRA RAO, J

11th February, 2019.

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