

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

CRP.No.4270 of 2017

ORDER:

Heard counsel for the revision petitioner and Smt B.Vaijyanthi, counsel for respondent.

2. This Revision is filed challenging order dt.24.04.2017 in I.A.No.322 of 2017 in F.C.O.P.No.707 of 2014 of the Judge, Family Court, Ranga Reddy District.

3. Petitioner and respondent were married on 27.11.2005 and the respondent filed the above O.P. for dissolution of marriage alleging cruelty and dowry harassment.

4. Pending the O.P., respondent filed I.A.No.322 of 2017 seeking interim maintenance of Rs.12,000/- per month under Section 24 of the Hindu Marriage Act, 1955 stating that she is not a working woman and does not have any financial resources to sustain herself, and that she is dependent on her parents, who also have financial problems. She contended that petitioner is financially well-off and earning Rs.15,000/- to Rs.20,000/- per month by doing carpentry sub-contract work; that he is also getting Rs.10,000/- per month from house rents and cutting machine works; and that petitioner is also doing money lending activity and would have a monthly income of more than Rs.30,000/-.

5. Though opportunity was given to the petitioner to file a counter affidavit, he did not file counter affidavit and so his right to file counter affidavit in the I.A., was forfeited.

6. The Court below took note of the fact that petitioner admitted that respondent was not doing any work and that he was working as a Carpenter, and directed the petitioner to pay Rs.8,000/- per month from the date of petition towards interim maintenance.

7. Challenging the same, this Revision is filed.

8. When questioned as to why petitioner did not file any counter affidavit in the Court below, counsel for the petitioner stated that mother of the petitioner was un-well at the time when counter had to be filed. He produced Coronary Angiogram Report dt.18.07.2018 in support of the said plea.

9. I.A.No.322 of 2017 had been filed on 30.03.2017 and had been decided on 24.04.2017. At that time, there is no evidence to show that petitioner's mother was un-well.

10. In the absence of any such evidence to show that petitioner was disabled from filing a counter affidavit in I.A.No.322 of 2017 for reasons beyond his control, his failure to file counter affidavit in the Court below, has to be taken as deliberate.

11. The Court below is not expected to wait indefinitely for the petitioner to file his counter to the application for interim

maintenance when the petitioner is deliberately avoiding to file a counter therein. Therefore, I see no reason to interfere with the impugned order.

12. Accordingly, this Civil Revision Petition fails and it is dismissed. No order as to costs.

13. Consequently, miscellaneous petitions pending if any, shall stand closed.

05th July, 2019.
gra

M.S. RAMACHANDRA RAO, J

