

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

C.R.P.No.4174 of 2016

ORDER:

This Civil Revision Petition has been filed under Article 227 of the Constitution of India questioning the order dt.20.04.2016 in I.A.No.241 of 2015 in O.P.No.1 of 2015 of the Senior Civil Judge, Jangaon, Warangal District.

2. Petitioner had filed the above O.P. for dissolution of marriage between himself and 1st respondent under Section 13(1)(1-a) of the Hindu Marriage Act, 1955.

3. Pending said O.P., 1st respondent filed I.A.No.241 of 2015 under Section 24 of the Hindu Marriage Act, 1955 seeking maintenance @ Rs.10,000/- per month to herself and Rs.5,000/- per month to the 2nd respondent apart from Rs.10,000/- towards legal expenses.

4. In the affidavit filed in support of the said application, she alleged that false allegations were levelled against her in the O.P. and in fact it was the petitioner who deserted the 1st respondent and thrown her out of the matrimonial home along with her two children one year prior to the filing of the I.A., that she is dependent on her parents and residing in a rented house along with the children, and that she has no means to support herself and her son, who is a student.

5. Counter affidavit is filed in the said I.A., by the petitioner herein alleging that 1st respondent is a quarrelsome

lady and that she humiliated him on the ground that he was earning lesser amount. It is also alleged that 1st respondent is doing beedi rolling work and earning monthly income.

6. Petitioner did not adduce any evidence as to who much he is earning and how much the 1st respondent is alleged to be earning.

7. The lower Court by order dt.05.01.2016 granted a sum of Rs.3,000/- per month to the petitioner towards interim maintenance from the date of petition on the ground that the petitioner did not produce any evidence that the 1st respondent was earning any money by doing beedi rolling work.

8. Challenging the same, this Revision is filed.

9. It is the contention of the petitioner that proceedings under Section 125 of Cr.P.C., were initiated by the 1st respondent against the petitioner, which was numbered as M.C.No.8 of 2015 by the Additional Judicial First Class Magistrate, Jangaon, and in that proceedings Rs.2,000/- has been granted towards interim maintenance, and that this fact was not noticed when the Court below passed order on 20.04.2016 in I.A.No.241 of 2015 in O.P.No.1 of 2015.

10. Admittedly, the 1st respondent is the legally wedded wife of the petitioner and they have two sons and daughter, who is also married.

11. While it is an admitted fact that the petitioner is employed, petitioner did not adduce any evidence that 1st respondent is also gainfully employed. He has also not produced any evidence to show how much income he is getting from his employment.

12. Therefore, merely because in the MC.No.8 of 2015 a sum of Rs.2,000/- per month was granted to the 1st respondent, it cannot be said that granting of Rs.3,000/- towards monthly maintenance and also litigation expenses is not warranted, particularly, when the petitioner has suppressed how much income he is getting from the job he is doing. Therefore, I see no reason to interfere with the order passed by the Court below.

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

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

M.S.RAMACHANDRA RAO, J

02nd January, 2019.

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