

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.821 OF 2019

ORDER:

This revision, under Article 227 of the Constitution of India, is filed by the petitioner-husband aggrieved by the order dated 24.01.2019 passed in I.A.No.237 of 2018 in O.P.No.71 of 2013 by the Senior Civil Judge at Huzurabad.

2. Heard the learned counsel for the petitioner-husband and perused the record.

3. Learned counsel for the revision petitioner-husband would contend that the petitioner-husband is an agriculturist and he has no substantial annual income. On the other hand, the respondent-wife is a teacher and she has sufficient means to maintain herself. The Court below without there being any material erroneously granted interim maintenance @ Rs.10,000/- per month to the respondent-wife and her daughter from the date of filing of petition before the Court below, which is excessive and ultimately prayed to set aside the impugned order.

4. The circumstances that led to filing of this revision petition are that the petitioner-husband filed O.P.No.71 of 2013 under Section 13(1)(ia) of the Hindu Marriage Act for grant of divorce. During pendency of the said O.P., the respondent-wife filed the aforementioned Interlocutory Application and the Court below after hearing both the parties was pleased to grant maintenance @ Rs.10,000/- per month to the respondent-wife and her daughter from the date of filing of the petition before the Court below.

5. Specific mention was made on behalf of the respondent-wife before the Court below that the petitioner-husband has got huge agricultural lands, he has harvester and Tractor and his annual income is Rs.8,00,000/-. It is also pertinent to state that nowadays the cost of living is very high. The subject divorce O.P. is filed in the year 2013. The respondent-wife did not seek any maintenance till she filed Interlocutory Application in the year 2019. There are also specific allegations against the petitioner-husband that he refused to maintain his wife and daughter. As per the material placed before this Court, the respondent-wife is drawing monthly salary at Rs.3,300/-, which is meagre and not sufficient to maintain herself and her daughter. It is bounden duty of the petitioner-husband to maintain his wife and daughter. Staying with her parents is not a ground to deny the maintenance to the respondent-wife. There is record to show that the petitioner-husband has substantial property and immovable assets and he has capacity to maintain his wife and daughter. Therefore, the grant of maintenance @ Rs.10,000/- per month as indicated *vide* impugned order cannot be faulted. There is no infirmity to vary the impugned order. The revision petition is devoid of merit and is liable to be dismissed.

6. In the result, the Civil Revision Petition is dismissed.

The Miscellaneous Petitions, if any, pending shall stand closed.

No costs.

Dr. SHAMEEM AKTHER, J

Date: 09.09.2019
ssp