

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

C.R.P.Nos.1117 and 1786 of 2019

COMMON ORDER:

Since the facts of the case, issues involved and the parties to the litigation in both these revisions are identical, both these Civil Revision Petitions are being disposed of by this common order.

2. Aggrieved by the order, dated 21.02.2019, passed in I.A.No.732 of 2018 in F.C.O.P.No.143 of 2017, by the Judge, Family Court-cum-Additional District Judge at Karimnagar, whereby, the husband was ordered to pay monthly interim maintenance of Rs.5,000/- to the wife on or before 10th day of every month from February, 2019, the husband filed CRP No.1786 of 2019 seeking to set aside the said order and the wife filed CRP No.1117 of 2019 seeking to enhance the monthly interim maintenance from Rs.5,000/- to Rs.30,000/-.

3. Heard the learned counsel for both the sides and perused the record.

4. The learned counsel for the petitioner in CRP No.1117 of 2019 and respondent in CRP No.1786 of 2019 (wife) would contend that the monthly interim maintenance granted by the Court below is meagre. The husband is a software employee and earning Rs.80,000/-

per month. The Court below ought to allowed the subject interlocutory application as prayed for and ultimately prayed to enhance the monthly interim maintenance from Rs.5,000/- to Rs.30,000/-.

5. On the other hand, the learned counsel for the petitioner in CRP No.1786 of 2019 and respondent in CRP No.1117 of 2019 (husband) would contend that the husband has lost the job. Every time, he has to travel from Bangalore to Karimnagar to defend O.P.No.37 of 2017 filed by the wife for restitution of conjugal rights in the Court at Karimnagar. The wife is having extramarital affair with another person and ultimately prayed to set aside the order under challenge and allow the CRP filed by him.

6. As seen from the counter filed by the husband in the subject interlocutory application, in paragraph 'M', the husband himself stated that he is a software employee and earning Rs.40,000/- per month and not Rs.80,000/- per month as contended by the wife. It is relevant to state that now-a-days the cost of living is high. The wife needs food, clothing and shelter for her survival. The status of the parties is also required to be taken into consideration while awarding maintenance. Under these circumstances, in the interest of justice, the impugned order, dated 21.02.2019, passed in I.A.No.732 of 2018 in

F.C.O.P.No.143 of 2017, by the Judge, Family Court-cum-Additional District Judge at Karimnagar, is modified as follows:

“The petitioner in CRP No.1117 of 2019 and respondent in CRP No.1786 of 2019 (wife) is granted a monthly interim maintenance of Rs.10,000/- (Rupees ten thousand only) instead of Rs.5,000/- granted by the Court below.”

Other conditions imposed by the Court below in the subject interlocutory application shall remain unaltered.

7. Accordingly, CRP No.1117 of 2019 filed by the wife is partly allowed as indicated above and the CRP No.1786 of 2019 filed by the husband is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in both these Civil Revision Petitions, shall stand closed.

Dr. SHAMEEM AKTHER, J

18th December, 2019
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