

THE HON'BLE Dr.JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.1264 of 2019

ORDER:

This revision, under Article 227 of the Constitution of India, is filed by the petitioner/husband, aggrieved by the order, dated 11.03.2019 passed in I.A.No.1376 of 2018 in O.P.No.1452 of 2015 by the Judge, Additional Family Court, City Civil Court, Hyderabad, wherein the petition filed by the respondent/wife under Section 24 of the Hindu Marriage Act, seeking to grant interim maintenance and legal expenses, was allowed.

2) Heard the learned counsel for both sides and perused the record.

3) Learned counsel for the revision petitioner/husband submits that gross income of the revision petitioner for the Assessment Year 2018-19 is only Rs.26,50,344/-. But the Court below, granted interim maintenance of Rs.1,00,000/- per month, which is excessive and ultimately prayed to set aside the impugned order and allow the revision petition as prayed for.

4) On the other hand, learned counsel for respondent/wife would contend that the Court below is justified in passing the impugned order. There is no illegality or perversity in the order under challenge and ultimately prayed to dismiss the revision petition.

5) In view of the submissions made by both sides, the point that arises for determination is:

“Whether the impugned order dated 11.03.2019 passed in I.A.No.1376 of 2018 in O.P.No.1452 of 2015 by the Judge, Additional Family Court, City Civil Court, Hyderabad, is liable to be set aside?”

6) POINT: The petitioner/husband filed O.P.No.1452 of 2015 under Section 13(1)(ia) of the Hindu Marriage Act, 1955, seeking to grant divorce. In the said O.P, the respondent/wife filed subject I.A.No.1376 of 2018 under Section 24 of the Hindu Marriage Act, seeking to grant interim maintenance of Rs.3,00,000/- per month and legal expenses of Rs.1,00,000/- pending disposal of main O.P. The Court below vide impugned order dated 11.03.2019, was pleased to allow the petition and directed the petitioner/husband to pay Rs.1,00,000/- per month towards interim maintenance to the respondent/wife from the date of petition i.e., 10.10.2018 till disposal of main O.P. on or before 10th of every succeeding calendar month and also to pay Rs.50,000/- towards legal expenses. The petitioner/husband was further directed to pay arrears of interim maintenance amount in two equal monthly installments commencing from the month of April, 2019 and to deposit the arrears of interim maintenance amount and legal expenses, into the bank account of the respondent/wife.

7) As per the material placed on record, gross income of the revision petitioner/husband as per Income Tax Returns for the Assessment Year 2018-19 is Rs.26,50,344/-. From the said amount, the revision petitioner has to maintain himself etc. He also

needs to pay transportation and other incidental expenses. Under these circumstances, this Court deems it appropriate to modify the impugned order dated 11.03.2019 passed by the Court below and the petitioner/husband is directed to pay Rs.75,000/- (Rupees seventy five thousand only) per month instead of Rs.1,00,000/- (Rupees one lakh only) to the respondent/wife towards interim maintenance.

8) Except the above modification, rest of the directions given by the Court below in the impugned order remain unaltered.

9) Accordingly, this Civil Revision Petition is disposed of. No order as to costs.

Pending Miscellaneous Petitions, if any, shall stand closed.

Date: 13.11.2019
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Dr. SHAMEEM AKTHER, J