

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.1327 OF 2019

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed aggrieved by the order, dated 04.04.2019, passed in I.A.No.140 of 2019 in O.P.No.1278 of 2017 by the Judge, Additional Family Court, Hyderabad.

2. Heard the learned counsel for the petitioner/respondent. Perused the record. In spite of service of notice, there is no representation on behalf of the respondents.

3. Brief facts of the case are that the marriage of the petitioner with the 1<sup>st</sup> respondent was performed in the year 1992. During their wedlock, the petitioner and the 1<sup>st</sup> respondent were blessed with a son and daughter. Due to some differences they are living separately. The contention of the 1<sup>st</sup> respondent/wife is that the revision petitioner was working as Geo-Scientist in Schlumberger Oil Company, Kuwait and drawing a monthly salary of Rs.6,46,715/-. The respondents herein filed O.P.No.1278 of 2017 under Section 18(2)(a)(b) and 23(1) & (2) of the Hindu Adoptions and Maintenance Act, 1956, seeking maintenance of Rs.3,00,000/- per month. Pending the said O.P, the respondents filed the aforesaid Interlocutory Application seeking interim maintenance of Rs.1,00,000/- per month each. The Court below, by the impugned order, dated 04.04.2019, granted an amount of Rs.20,000/- per month each, to the respondents.

4. Learned counsel for the petitioner would submit that the petitioner had lost his job in the year 2017 and right now he is not getting any amount; that there is exchange of property in between the petitioner and the 1<sup>st</sup> respondent and 1<sup>st</sup> respondent got a flat at Yousufguda, Hyderabad; that since the petitioner has no employment right now, granting an amount of Rs.40,000/- per month towards maintenance to the respondents is excessive and ultimately prayed to set aside the impugned order.

5. There is a no dispute that at one point of time, the revision petitioner worked as Senior Geo-Scientist in Schlumberger Oil Field Eastern Limited (SIS), Kuwait and drawn a salary of Rs.6,46,715/- per annum. Now, the contention of the petitioner is that he lost his employment and termination orders were issued in the year 2017 itself and now he is aged about 56 years.

6. The contention of the respondents before the Court below is that the petitioner has huge properties in Bombay and Hyderabad. It is also relevant to state that the 1<sup>st</sup> respondent is suffering from ill-health and 2<sup>nd</sup> respondent is pursuing B.D.S IV year in Manipal University and she requires lot of money to meet her necessities as well as college fee from time to time.

7. It can also be concluded that the revision petitioner has sufficient property and means to maintain his wife and daughter. Considering the facts and circumstances of the case and living

conditions of both parties placed on record, this Court is of the opinion that granting of Rs.40,000/- per month towards maintenance to the respondents is not excessive. Therefore, there are no grounds to set aside the impugned order and the revision petition is devoid of merit and is liable to be dismissed.

8. Accordingly, the Civil Revision Petition is dismissed at the admission stage.

Miscellaneous petitions, if any, pending in this revision petition shall stand closed. There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

AUGUST 28, 2019  
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