

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

Civil Revision Petition No.1509 2019

ORDER:

This Revision is filed challenging the order dt.04.04.2018 passed in I.A. No.273 of 2018 in FCOP.No.2253 of 2016 of the XV Additional Sessions Judge, Ranga Reddy District, Kukatpally.

2. The petitioner had filed the said O.P., against the respondent for dissolution of their marriage, which took place on 29.05.2013 on the ground of cruelty.

3. Counter affidavit was filed by the respondent opposing grant of relief to the petitioner.

4. The respondent then filed I.A. No.273 of 2018 under Section 24 of the Hindu Marriage Act, seeking monthly maintenance of Rs.10,000/- for herself and another Rs.10,000/- per month towards medical-aid, clothing etc., for herself and the minor child born to them on 16.05.2015.

5. In the affidavit filed in support of the said application she stated that the petitioner is a member of a joint family having property, which is a multistoried building at Kukatpally; that he is getting monthly rent of Rs.60,000/- per month; and he is pursuing Post Graduation in Medicine and also drawing a monthly stipend of Rs.25,000/- per month.

6. Counter affidavit was filed by the petitioner refuting the said contentions but admitting that he had studied MBBS., course. He stated that he did not have any joint family property and though he is paid stipend of Rs.25,000/- per month, the University is not disbursing the stipend regularly. He also stated that his father is suffering from Cancer and undergoing

surgery and he was not attending Post Graduation classes for the last one year. He blamed the respondent for the break-up of the marriage.

7. By order dt.04.04.2018, the Court below partly allowed the application by directing the payment of Rs.10,000/- every month to the petitioner and Rs.5,000/- per month to the child for maintenance from March, 2018. In the said order it recorded that the petitioner is a Doctor by profession pursuing Post Graduation in Medicine and that it was alleged that he was drawing rental income of Rs.60,000/- per month.

8. Assailing the same, this Revision is filed.

9. Counsel for the petitioner contended that the petitioner is no longer pursuing Post Graduation course and that the respondent is also a Post Graduate in Engineering having obtained an M.Tech., Degree and the petitioner does not have means to pay such a large amount towards maintenance of the respondent and the child.

10. Admittedly, the petitioner had studied and obtained degree in Medicine and he also got an admission in Post Graduation course in Medicine for which admittedly he would also receives stipend from the University. No material is placed by the petitioner to show that the respondent is gainfully employed and is in a position to support herself and the minor child.

11. In the facts and circumstances of the case and having regard to the above factors, I find no error of jurisdiction in the order passed by the Court below warranting interference of this Court under Article 227 of the Constitution of India.

12. Accordingly, this Revision fails and is dismissed. There shall be no order as to costs.

13. As a sequel, miscellaneous applications, if any pending shall stand closed.

JUSTICE M.S. RAMACHANDRA RAO

Date: 09.07.2019

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