

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.1855 OF 2019

ORDER:

This revision petition, under Article 227 of the Constitution of India, is filed by the petitioner-husband aggrieved by the order dated 05.07.2019 passed in I.A.No.231 of 2018 in FCOP No.344 of 2017 by the Judge, Family Court-cum-III Additional District Judge, Warangal, whereby the application filed by the respondent-wife under Section 24 of the Hindu Marriage Act seeking to direct the respondent-husband to pay interim maintenance of Rs.50,000/- per month from the date of petition and also to pay Rs.50,000/- towards litigation expenses to her, was allowed.

2. Heard learned counsel for the revision petitioner-husband, learned counsel for the respondent-wife and perused the record.

3. Learned counsel for the revision petitioner-husband would submit that the respondent-wife has got Mango garden which is worth Rs.5,00,000/-, Fixed Deposit of Rs.5,00,000/- in State Bank of India, Mohan Nagar Branch and another Fixed Deposit of Rs.4,80,000/- in State Bank of India, C.V. Raman Nagar Branch, Bangalore. She is getting interest of Rs.10,000/- per month and income of Rs.3,00,000/- per annum from the Mango garden. Moreover, she is a Post Graduate. She has means to maintain herself. The Court below erroneously granted the aforementioned amounts towards maintenance and litigation expenses to the respondent-wife and ultimately prayed to set aside the impugned order.

4. On the other hand, learned counsel for the respondent-wife would contend that the respondent-wife has no source of income, whereas the petitioner-husband is getting monthly income of Rs.2,26,017/-. There is material to substantiate the same. The petitioner-husband is working as Scientist in DRDO and he has sufficient means to maintain the respondent-wife. The Court below is justified in granting the aforementioned amounts towards maintenance as well as litigation expenses and ultimately prayed to dismiss the civil revision petition.

5. In view of the submissions made by both sides, the point for determination is,

“Whether the impugned order is liable to be set aside?”

6. POINT:- There is no dispute with regard to the relationship between the petitioner-husband and respondent-wife. There is also no dispute that the petitioner-husband is working in DRDO. The salary certificate and other material placed on record reveal that the petitioner-husband is drawing salary of Rs.2,26,017/- per month. There are deductions to a tune of Rs.1,45,577/-. Net salary being received by the petitioner-husband is Rs.80,440/-. It is contended on behalf of the petitioner-husband that he has old aged parents. They have medical necessities. Though the petitioner-husband contended that the respondent-wife has got mango garden worth of Rs.5,00,000/- and two Fixed Deposits for an amount of Rs.5,00,000/- and Rs.4,80,000/-, there is no record to substantiate the same. The deductions in the salary

were made for the benefit of the petitioner-husband. Since the gross salary of the petitioner-husband is Rs.2,26,017/-, grant of Rs.50,000/- towards monthly maintenance cannot be said to be excessive and so also the litigation expenses of Rs.50,000/-. The Court below had given elaborate reasons for granting the relief as indicated above. There is no perversity in the impugned order to interfere with the same. This revision petition is devoid of merit and is liable to be dismissed.

7. 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: 24.12.2019
ssp

