

THE HON'BLE Dr.JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.2040 of 2019

ORDER:

This civil revision petition is filed under Article 227 of the Constitution of India, by the petitioner-husband, aggrieved by the order dated 15.05.2019, passed in I.A.No.382 of 2018 in F.C.O.P.No.249 of 2018, by the Judge, Family Court-cum-III Additional District, at Warangal, wherein the respondent No.1-wife and daughter were granted monthly maintenance of Rs.10,000/- and Rs.5,000/-, respectively.

2. Heard Sri Padala Pravin Kumar, learned counsel for the revision petitioner-husband and perused the record.

3. Learned counsel for the petitioner-husband would contend that the respondent No.1-wife is living in adultery and therefore, the Court below erred in granting maintenance and ultimately prayed to set aside the impugned order.

4. The record would disclose that the revision petitioner-husband filed FCOP No.249 of 2018 before the Court below for grant of divorce and the same is pending for consideration. During the pendency of said FCOP, the respondent No.1/wife filed I.A.No.382 of 2018 seeking to grant an amount of Rs.40,000/- towards *pendente lite* maintenance to her and the child. In the said I.A, the Court below vide impugned order dated 15.05.2019 awarded monthly maintenance of Rs.10,000/- to the respondent No.1/wife and Rs.5,000/- to the child. Further, the Court below also directed the revision petitioner to pay Rs.20,000/- to the

respondent No.1/wife towards litigation expenses of subject O.P. Whether the respondent No.1-wife is living in adultery or not, is a factual aspect and the same is required to be determined in the main O.P. However, the quantum of maintenance granted in favour of respondents 1 and 2 is not excessive since the cost of living and educational expenses are very high now-a-days. It is the bounden duty of the revision petitioner-husband to maintain his wife and daughter.

5. Under these circumstances, the maintenance and the litigation expenses, granted by the Court below in favour of respondent No.1/wife and the daughter vide impugned order cannot be faulted. The civil revision petition is devoid of merit and is liable to be dismissed.

6. In the result, this civil revision petition is dismissed at the admission stage. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 03.09.2019
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