

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Civil Revision Petition No.2238 of 2019

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner/husband, challenging the order, dated 18.07.2019, passed in I.A.No.181 of 2019 in O.P.No.592 of 2018, by the Principal Judge, Family Court-cum-Additional Chief Judge at Hyderabad, whereby, the petition filed by the petitioner/husband under Section 24 of the Hindu Marriage Act, 1955, praying to grant Rs.23,574/- towards interim maintenance, Rs.1,50,000/- towards marriage expenses incurred by the petitioner/husband, Rs.25,000/- towards litigation expenses and Rs.25,000/- towards damages including transport, from the respondent/wife, was dismissed.

2. Heard the learned counsel for the petitioner/husband and perused the record.

3. The learned counsel for the petitioner/husband would submit that the respondent/wife is employed. She has sufficient means to pay maintenance and other expenses as sought in the subject interlocutory application. The Court below, without justification, was pleased to dismiss the subject interlocutory application, which is erroneous, and ultimately prayed to set aside the order under challenge and allow the Civil Revision Petition.

4. The Court below, while dealing with the subject matter, made certain observations. As rightly observed by the Court below, the petitioner/husband ought to have approached the District Legal Services Authority for legal assistance. He did not do so and engaged an advocate and proceeded with the case. With regard to grant of medical expenses other expenses also, the Court below held that those can be determined after the evidence is adduced. Both the parties to the litigation are visually challenged persons. The Court below held that the petitioner/husband is highly educated person, who has done his Post Graduation in English literature and capable of maintaining himself. There is no dispute with regard to the same. Under these circumstances, the order under challenge does not suffer from illegality and infirmity. The Court below rightly exercised its jurisdiction. The Civil Revision Petition is devoid of merit and is liable to be dismissed.

5. Accordingly, this Civil Revision Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Civil Revision Petition, shall stand closed.

Dr. SHAMEEM AKTHER, J

24th September, 2019
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