

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.No.5518 of 2018

ORDER:

Heard both sides.

2. This Revision is filed challenging the order dt.21.04.2018 in I.A.No.706 of 2017 in O.P.No.1884 of 2016 of the XV Additional Sessions Judge, Ranga Reddy District, Kukatpally granting interim maintenance of Rs.20,000/- each to the respondents 2 and 3 at the instance of the 1st respondent till the disposal of the O.P. from January, 2018.

3. The above O.P. was filed by the petitioner against the 1st respondent seeking divorce and it is pending before the said Court.

4. 1st respondent filed I.A.No.706 of 2017 under Section 24 of the Hindu Marriage Act, 1955 seeking interim maintenance of Rs.20,000/- per month to herself and Rs.40,000/- per month to respondents 2 and 3 apart from Rs.10,000/- legal expenses.

5. Petitioner is admittedly employed in a Software Company called Polaris, while the respondent is a Ph.D and pursuing a Post-Doctoral Fellowship in Molecular Biology on

a fellowship granted by the University Grants Commission of the Hyderabad Central University.

6. Alleging that the petitioner is drawing a salary of Rs.1,60,000/- per month and contending that she is being supported by her parents, and the petitioner being parent of the two minor children has a duty to maintain her and her children, 1st respondent filed the said application.

7. Counter affidavit was filed by the petitioner opposing the same and denying that he was drawing a salary of Rs.1,60,000/- per month. He also stated that the 1st respondent is drawing a salary of Rs.60,000/- per month and it is a government job. He denied that the 1st respondent was being supported by her parents. He contended that the 1st respondent was highly educated and qualified, and she is gainfully employed by drawing a salary of Rs.60,000/- per month. He stated that he paid the hostel fee for the 1st respondent and contended that the 1st respondent demanded Rs.10,000/- per month since she was providing services to the children; that his consolidate salary is Rs.60,000/-; and that he did not have any other savings like gratuity, PF, etc. He also stated that he is depositing a sum of Rs.50,000/- every year in the name of the eldest son and he also deposited Rs.2,00,000/- in the name of the 1st respondent

and the custody of such fixed deposits is with the 1st respondent

8. By order dt.21.04.2018, the Court below took note of the plea of the 1st respondent that the petitioner is earning Rs.1,60,000/- per month and rejected his plea that he was drawing only Rs.1,00,000/- after deductions. It took note of the fact that the 1st respondent had completed her Ph.D, and having regard to the living standards of the parties, it granted Rs.20,000/- each to the two children from January, 2018 till disposal of the main O.P.

9. Assailing the same, this Revision is filed.

10. Counsel for the petitioner contended that the interim maintenance awarded by the Court below is exorbitant and the Court below ought to have taken note of the fact that the respondents were in fact living in the house belonging to the petitioner in Madhapur and the fact that the 1st respondent is also getting monthly an amount of Rs.50,000/- from UGC as fellowship grant for her Post-Doctoral Fellowship, and therefore the order passed by the Court below may be set aside.

11. Counsel for the respondents supported the order passed by the Court below and contended that when the petitioner is

earning Rs.1,60,000/- per month, the grant of Rs.20,000/- each to respondents 2 & 3 by the Court below, cannot be interfered with.

12. I have noted the contentions of both sides.

13. The responsibility to maintain the children is on both parents, particularly, when both are employed and are getting income.

14. In I.A.No.706 of 2017 filed by the 1st respondent in the Court below, though she mentioned that she was granted fellowship by the UGC, she suppressed that she was paid Rs.50,000/- per month as fellowship grant.

15. Admittedly, the respondents are residing in the flat belonging to the petitioner and the petitioner is living in a hostel.

16. Keeping in view the above circumstances including income of the 1st respondent, and keeping in view the age of the children, who are admittedly 7 years and 4 years respectively, award of interim maintenance @ Rs.20,000/- p.m., each from January, 2018 by the Court below, appears to be on a very high side.

17. Therefore, the order dt.21.04.2018 in I.A.No.706 of 2017 in OP.No.1884 of 2016 is modified and the interim maintenance granted to respondents 2 & 3 is reduced to Rs.10,000/- p.m., each from January, 2018, and the petitioner is directed to pay the arrears pending as on date within a period of six (06) weeks from the date of receipt of a copy of this order and to continue to pay the same without default on 5th of every month in the bank account of the 1st respondent to be informed by the 1st respondent to the petitioner within one (01) week from the date of receipt of copy of this order. In default of compliance with these conditions, the CRP shall stand dismissed.

18. With the above directions, this Civil Revision Petition is allowed in part. No order as to costs.

19. Miscellaneous petitions pending if any, shall stand closed.

M.S. RAMACHANDRA RAO, J

16th April, 2019.

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