

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.No.252 of 2020

ORDER:

1. This Revision is filed challenging the order dt.28.01.2020 in EP.No.16 of 2019 in IA.No.585 of 2016 in OS.No.1828 of 2014 of the Principal Judge, Family Court, City Civil Court, Hyderabad.
2. The appellant herein is the husband of the 1st respondent and father of respondents 2 and 3.
3. He filed the said O.P. for dissolution of the marriage between himself and the 1st respondent.
4. Pending the OP., the respondents filed I.A.No.585 of 2016 under Section 24 of the Hindu Marriage Act, 1955 seeking interim maintenance of Rs.10,000/- per month for respondents 2 and 3.
5. The said IA was allowed on 12.12.2017 awarding a sum of Rs.3,000/- each per month to respondents 2 and 3.
6. The said OP came to be dismissed for default on 04.06.2018.
7. The respondents filed EP.No.16 of 2019 for execution of the order dt.12.12.2017 to execute the order in IA.No.585 of 2016 in OP.No.1828 of 2014.
8. In the said EP, the respondents sought for a sum of Rs.1,44,000/- representing the interim maintenance for respondents 2 & 3 for a period of 24 months @ Rs.3,000/- each per month along with costs of Rs.5,000/-.

9. Admittedly, the petitioner deposited Rs.1,50,000/- in the bank account of the 1st respondent.

10. Once the petitioner has done so, the EP ought to have been closed. However, the Court below passed the impugned order on 28.01.2020 directing the petitioner to deposit a further sum of Rs.42,000/- for the period 04.06.2018 to 26.12.2018.

11. Challenging the same, this Revision is filed.

12. Counsel for the petitioner contends that once the claim in the EP was satisfied by the petitioner, the Court below could not have passed the impugned order and compel the petitioner to pay maintenance beyond the period for which the EP was filed i.e., after 04.06.2018, more particularly, when the OP itself stood dismissed for default on 04.06.2018.

13. Though counsel for the respondents sought to sustain the order passed by the Court below, I agree with the contention of the counsel for petitioner that once the petitioner satisfied the claim in EP.No.16 of 2019, the Court below could not have directed the petitioner to make further payments to the respondents for the period beyond 04.06.2018, more particularly, when the OP.No.1828 of 2014 filed by the petitioner itself was dismissed for default on 04.06.2018.

14. It is further stated by the counsel for the respondents that the petitioner had filed a fresh OP.

15. Therefore, this Civil Revision Petition is allowed; the order dt.28.01.2020 in E.P.No.16 of 2019 in I.A.No.585 of 2016 in OP.No.1828 of 2014 of the Principal Judge, Family Court, City Civil Court, Hyderabad, insofar as he directed the petitioner to pay a further sum of Rs.42,000/- for the period 04.06.2018 to 26.12.2018 is set aside; and the respondents are given liberty to initiate appropriate proceedings, if they wish to claim maintenance for the period beyond 04.06.2018 in an appropriate forum. No order as to costs.

16. Consequently, miscellaneous petitions pending if any shall stand dismissed.

M.S. RAMACHANDRA RAO, J

10th February, 2020.

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