

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.1168 of 2017

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the revision petitioner/husband, aggrieved by the order, dated 07.10.2016, passed in I.A.No.1146 of 2012 in O.P.No.997 of 2010 by the IV Additional District Judge, Ranga Reddy District at L.B.Nagar, wherein the subject application filed under Section 151 of the Code of Civil Procedure, 1908, to modify the order, 02.03.2012, passed in I.A.No.205 of 2011 in O.P.No.997 of 2010 by the Judge, Family Court, Ranga Reddy District at L.B.Nagar, to the extent of deleting maintenance granted to the respondent/wife and legal expenses, was dismissed.

2. Heard the learned counsel for the revision petitioner/husband. Perused the record.

3. Though there is service of notice on the respondent/wife as well as on her counsel on record, there is no representation on behalf of the respondent/wife. Memo and track report filed by the learned counsel for the petitioner reveals the service of notice on the respondent/wife.

4. Learned counsel for the petitioner/husband would submit that immediately after disposal of I.A.No.205 of 2011 on 02.03.2012, the subject application to modify the maintenance granted in favour of the respondent/wife and legal expenses was filed. In the subject application, the petitioner/husband is

challenging the maintenance granted in favour of respondent/wife at the rate of Rs.5,000/- per month, on the ground that she is working as Associate Professor in Teegala Krishna Reddy College, Hyderabad, and she has sufficient means to maintain herself, besides challenging the legal expenses. Under the given circumstances, the Court below ought to have modified the order as prayed for without dismissing the application and ultimately, prayed to set aside the impugned order and allow subject I.A. No.1146 of 2012 as prayed for.

5. In view of the submissions made by learned counsel for the petitioner, the point that arises for determination is”

“Whether the impugned order, dated 07.10.2016 passed in I.A.No.1146 of 2012 in O.P.No.997 of 2010 is liable to be set aside by allowing the modification in the order, dated 02.03.2012 in I.A.No.205 of 2011?”

6. Admittedly, the subject application was filed after disposal of Interlocutory Application No.205 of 2011 filed under Section 24 of the Hindu Marriage Act, for grant of interim maintenance in favour of the respondent/wife and her daughter. The Court below while dismissing the subject application opined that the petitioner/husband ought to have worked out the remedies available to seek modification of the order, dated 02.03.2012 passed in I.A.No.205 of 2011, particularly before the higher Court. It was also observed that the subject application was filed only to protract the litigation and no amount of maintenance was paid to the respondent/wife by the petitioner herein. The observations made by the Court below are in tune

with the procedure established by law. There is nothing to take a different view. Hence, the Civil Revision Petition is devoid of merit and the same is liable to be dismissed.

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

Miscellaneous petitions, if any, pending in this revision petition shall stand closed.

11th February, 2020

YVL

Dr. SHAMEEM AKTHER, J

