

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Civil Revision Petition No.570 of 2017

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner/wife, challenging the order, dated 20.01.2017, passed in I.A.No.990 of 2015 in FCOP No.105 of 2012 by the IV Additional District Judge-cum-I Additional Family Judge, Ranga Reddy District, whereby, the application filed by the petitioner/wife under Section 24 of the Hindu Marriage Act, 1955, praying the Court below to direct the respondent/husband to pay an amount of Rs.3,00,000/- towards educational expenses of her minor daughter by name Kumari Samhitha Sree for the academic years 2015-17 for intermediate MPC group in Narayana Junior College, Dilsukhnagar, Hyderabad, was dismissed.

2. Heard the submissions of the petitioner/wife who appeared as party-in-person, the learned counsel for the respondent/ husband and perused the record.

3. The petitioner/wife, who appeared as party-in-person, would submit that her daughter is prosecuting education in college and incurred expenditure to a tune of Rs.3,00,000/- for the academic years 2015-17 for intermediate MPC group in Narayana Junior College, Dilsukhnagar, Hyderabad. She filed the subject interlocutory application before the Court below under Section 24 of the Hindu Marriage Act, 1955, in the

pending FCOP for grant of the said amount from the respondent/husband. Though she has sufficient material to substantiate that she incurred Rs.3,00,000/- towards educational expenses of her daughter by name Kumari Samhitha Sree, the Court below erroneously dismissed the subject interlocutory application and ultimately prayed to set aside the order under challenge and direct the respondent/husband to pay Rs.3,00,000/- towards educational expenses of her daughter.

4. On the other hand, the learned counsel for the respondent/husband would contend that the Court below had elaborately dealt with all the contentions raised by the revision petitioner/wife and was pleased to dismiss the subject interlocutory application. The petitioner/wife has no single document to substantiate that she incurred expenses of Rs.3,00,000/- for her daughter's education. The college fee of the daughter of the petitioner/wife was being borne by the respondent/husband only. Therefore, there is no justification in claiming Rs.3,00,000/- towards educational expenses of the daughter of the petitioner/wife and ultimately prayed to sustain the impugned order and dismiss the Civil Revision Petition.

5. In view of the above submissions, the point that arises for determination in this revision is as follows:

“Whether the respondent/husband can be directed to pay an amount of Rs.3,00,000/-

to the petitioner/wife towards educational expenses of her daughter by name Kumari Samhitha Sree?"

6. Though the petitioner/wife has contended that she paid the college fee of her daughter, there is no single document to substantiate the said contention. The Court below, in the impugned order, held that the provisions of Section 24 of the Hindu Marriage Act, 1955, relates to grant of maintenance either to the wife or husband, when the proceedings are pending under the said Act and also expenses for the proceedings, but the petitioner/wife did not seek for any relief of maintenance or any interim maintenance in the subject interlocutory application and that as per the directions of this Court, the respondent/husband has been paying maintenance to the petitioner/wife and also to her daughter and that till now, he has paid Rs.7,70,000/-, which is not disputed by the petitioner/wife and that it is also on record that the respondent/husband has been paying the college fee of the minor child by name Kumari Samhitha Sree and he is incurring expenditure for her studies and that he also filed receipts of the college fee and documents showing the said payment. Holding so, the Court below negated the relief claimed by the petitioner/wife. The findings recorded by the Court below in the impugned order are based on material on record. There is no legal infirmity in the order under challenge. This Court is in agreement with the findings recorded by the Court below in the impugned order. There is nothing to interfere with the

same. The Civil Revision Petition is devoid of merit and is liable to be dismissed.

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

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

Dr. SHAMEEM AKTHER, J

30th January, 2020
Bvv

