

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL REVISION PETITION No. 2242 of 2019

ORDER :

Petitioner – husband challenges the docket order dated 19.07.2019 in I.A.No. 174 of 2019 in O.P.No. 56 of 2018 on the file of the Senior Civil Judge's Court at Jagtial which directed him to pay monthly maintenance at Rs.8,000/- to the respondent - wife and her daughter by 10th of every month, pending disposal of the O.P.

The specific case of the petitioner is that the respondent, invoking Section 24 of the Hindu Marriage Act, 1955, sought maintenance for herself and her minor daughter, but Section 24 itself provides granting of maintenance only to the spouse and not to the minor child. It is his further case that the respondent is working as a teacher and earning Rs.12,000/- per month. The petitioner states that though his income is Rs.35,000/- per month, he has to take care of his ailing mother apart from supporting himself. In those circumstances, he prays this Court to take into account all those factors and reduce the maintenance granted by the Court below, reasonably.

Notice has been served, but however, none appears on behalf of the respondent.

Though the learned counsel for the petitioner tries to pursue that minor child is not entitled to the maintenance, by quoting Section 24 of the 1955 Act, this Court is relieved of the burden of examining the legal position, in detail, in view of the judgment of the learned Single Judge in ***Meka Prakash v. Smt. Meka Deepa***

Rani¹, wherein it had categorically been held that the minor child is also entitled to be granted maintenance. To come to such a conclusion, the learned Judge had taken cue from the judgment of the Division Bench of this Court in **Narendra Kumar Mehta v. Smt. Suraj Mehta** (AIR 1982 AP 100) and that of the Apex Court in **Rita Dutta v. Subhendu Dutta** (AIR 2006 SC 189). In that view of the matter, this Court is not inclined to take a converse view.

Even otherwise, on facts also, there is no denial that the petitioner is getting Rs.35,000/- per month as a teacher, likewise, the respondent is also a teacher, may be earning Rs.12,000/-, as stated. But the fact remains that out of the said amount, she has to take care of herself as well as child. Notionally, Rs.12,000/- could be allocated towards the maintenance of the daughter and Rs.8,000/- granted towards maintenance for herself. Viewed from that angle also, granting of Rs.8,000/- as maintenance is reasonable and not excessive.

For the reasons aforesaid, this Court does not find any ground to interfere with the order under Revision, in exercise of its jurisdiction.

The Civil Revision Petition is accordingly, dismissed. No costs.

The miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J

31st January 2020

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¹ AIR 2012 AP 96

