

**THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER
AND
THE HON'BLE SRI JUSTICE NAGESH BHEEMAPAKA**

FAMILY COURT APPEAL No.223 OF 2010

JUDGMENT: (Per Hon'ble Dr.SA,J)

This Family Court Appeal, under Section 19(1) of the Family Courts Act, 1984, is filed by the appellants/petitioners, aggrieved by the order and decree, dated 30.06.2010 passed in O.P.No.1018 of 2007 by the learned Judge, Family Court, Hyderabad, wherein the subject O.P filed by the appellants/petitioners, under Sections 18 and 20 of the Hindu Adoptions and Maintenance Act, 1956, claiming maintenance of Rs.5,000/- each, per month, from the date of petition and Rs.1,20,000/- towards past maintenance from October, 2006 to till the date of subject O.P, was allowed and the Court below granted a sum of Rs.2,000/- per month to each of the appellants/petitioners, totalling Rs.4,000/- per month from the date of petition i.e, 22.10.2007. Further, the respondent was directed to clear the arrears of maintenance from 22.10.2007, within three months from the date of receipt of the impugned order and he shall continue to pay the maintenance till the appellants attain majority on or before 10th day of succeeding month. Rest of the educational expenses was ordered to be borne by the appellants/petitioners' mother.

2. During the pendency of this appeal, F.C.A.M.P.Nos.333 and 334 of 2014 are filed seeking to declare the appellants/petitioners as majors and to discharge their mother-Smt.B.Vijaya Gowri, as guardian, on the ground that they have become majors. Vide order dated 19.11.2014, the said applications were allowed and the petitioners/appellants were declared as majors and the guardianship of their mother was discharged.

3. Heard the arguments of Smt.A.Satya Sree, learned counsel representing Sri Y.Koteswar Rao, learned counsel for the appellants/petitioners and perused the record.

4. The Memo dated 23.12.2014 vide USR No.2441/2014 filed by the learned counsel for the appellants would reveal that the respondent refused to receive the notice. Therefore, notice on respondent is deemed to be served.

5. The learned counsel for the appellants/petitioners would contend that the appellants/petitioners were granted Rs.2,000/- each, per month towards monthly maintenance, which is very meagre. The appellants have claimed an amount of Rs.5,000/- each per month towards maintenance to meet their food, education and other expenses but the Court below granted meagre amount towards monthly maintenance and ultimately, prayed to

enhance the monthly maintenance to Rs.5,000/- each per month to the appellants and allow the appeal, as prayed for.

6. As seen from the material placed on record, the Court below *vide* impugned order and decree dated 30.06.2010 passed in O.P.No.1018 of 2007, granted maintenance of Rs.2,000/- per month to each of the appellant. There is evidence on record to establish that the father of the appellants i.e, respondent was working as a private employee and drawing monthly salary of Rs.21,000/- and he is paying Rs.5,570/- towards house loan instalment. So it goes to show that respondent owns a house. Since the cost of living is very high and so also educational expenses, the appellants claimed Rs.5,000/- each, per month towards monthly maintenance.

7. Considering the totality of the circumstances, the monthly maintenance amount granted to the appellants by the Court below needs to be modified.

8. Accordingly, this appeal is allowed and the monthly maintenance granted to the appellants by the Court below is modified and the respondent is directed to pay an amount of Rs.3,000/- per month to each of the appellant, totalling Rs.6,000/- per month, from the date of petition i.e, 22.10.2007 to till they

attained majority. The respondent is directed to clear the total arrears of maintenance as modified by this Court, within a period of three (03) months from today. Rest of the conditions imposed in the impugned order and decree dated 30.06.2010 passed by the Court below remains unaltered.

Miscellaneous petitions, if any, pending in this appeal, shall stand closed. There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

NAGESH BHEEMAPAKA, J

Date: 20th December, 2022

Note: Issue C.C in three(3) days.

(b/o)
scs