

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND TWENTY THREE

PRESENT
THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

CIVIL REVISION PETITION NO: 662 OF 2023

Petition under Article 227 of Constitution of India, against the Order dated 02/01/23 in IA No.528/2021 in FCOP No.50/2021 on the file of the Court of the Judge, Family Court-cum- IV Additional District and Sessions Judge, Karimnagar.

Between:

Sriramula Santhosh, S/o. Kanakaraju, Aged- 35 years, Occ- Software Employee, R/o. H.No.5-3-76, Mangali Wada, Ahmedpura, Karimnagar.

...PETITIONER/ RESPONDENT

AND

Sriramula @ Thangallapalli Kalyani, W/o. Santhosh, Aged- 30 years, Occ- Private Employee, R/o. H.No.8-3-206/2/1, NGO's Colony, Bhagathnagar, Karimnagar

...RESPONDENT/ PETITIONER

IA NO: 1 OF 2023

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to suspend the Order Dt.02/01/2023 in I.A. No. 528/2021 in FCOP No. 50/2021 on the file of the Hon'ble Judge, Family Court -cum - IV Additional District and Session Judge, Karimnagar, pending disposal of the main revision petition

For the Petitioner : SRI V.YADU KRISHNA SAINATH, Advocate

For the Respondent : NONE APPEARED

The Court delivered the following : JUDGMENT

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

C.R.P.No.662 of 2023

ORDER

The present revision is filed aggrieved by the order dated 02-01-2023 in I.A.No.528 of 2021 in FCOP No.50 of 2021 on the file of the Judge, Family Court-cum-IV Additional District and Sessions Judge, Karimnagar, wherein the learned Judge has allowed the application filed under Section 24 of the Hindu Marriage Act, by granting interim monthly maintenance at Rs.12,000/- from the date of the petition, Rs.20,000/-towards one time legal expenses and Rs.125/- towards conveyance charges for attending the Court on each and every date of adjournment, to the respondent-wife.

2. Learned counsel for the petitioner-husband Mr.V. Yadu Krishna Sainath submits that the husband has filed counter before the Court below stating that the wife is working as lecturer and earning a sum of Rs.60,000/- per month. Learned counsel has relied upon the judgment of the Apex Court in **Rajnesh vs. Neha and others** in Crl.A.No.730 of 2020 dated 04-11-2020, wherein detailed guidelines were given as to how the maintenance applications, interim or final applications have to be considered and according to the said judgment, both the parties have to file the assets, liabilities and other issues summarily. He submits that the respondent-wife has failed to adduce any evidence in respect of the petitioner's earning capacity to pay the maintenance. He submits that the order that is passed by the Court below granting the

reliefs by allowing the application is contrary to the law laid down by the Apex Court. Learned counsel further submits that though earlier the petitioner used to work as Software employee, now he is unemployed and this aspect has not taken into consideration by the Court below and the wife has failed to discharge her burden.

3. The application is filed by the respondent-wife for interim maintenance of Rs.30,000/-per month, Rs.50,000/-towards legal expenses and Rs.300/-per day towards conveyance charges for attending the Court on each and every date of adjournment. She stated that the marriage between the petitioner and the respondent was solemnized on 21-02-2019 and they were blessed with a son on 20-12-2019 and he is 21 months old. Thereafter, the husband necked her out from his conjugal society and she is residing at her parents' house. She further stated that the respondent is working as Software employee and earning a sum of Rs.1,00,000/-per month and as such Rs.30,000/- is required for her maintenance as well as her son, Rs.50,000/-towards legal expenses and Rs.300/-per day towards her conveyance for attending the Court on each date of adjournment.

4. The wife has filed an interim monthly maintenance application, wherein she has categorically stated that the husband is earning more than Rs.1,00,000/- per month as Software employee. This Court has perused the counter filed by the husband. In the counter, there is no denial that he is earning an amount of Rs.1,00,000/- per month except stating that the wife is earning an amount of Rs.60,000/- as Lecturer.

The admitted facts need not be proved. Even for the earnings of his wife, he has not filed any document and he has relied on the judgment of the Apex Court in **Rajnesh's** case (supra). In that view of the matter, this Court finds no reason to interfere with the well considered order of the Court below in granting interim maintenance at Rs.12,000/-per month to both wife and her son where the husband is earning an amount of Rs.1,00,000/- per month as stated by the wife which is not denied by the husband.

5. Accordingly, the Civil Revision Petition is dismissed. No order as to costs.

6. Miscellaneous petitions, if any pending in this civil revision petition, shall stand dismissed.

Sd/-B.CHANDRA PRAKASH
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Judge, Family Court-cum- IV Additional District and Sessions Judge, at Karimnagar.
2. One CC to Sri V.Yadu Krishna Sainath, Advocate [OPUC]
3. Two CD Copies

Kj.

pmg.

HIGH COURT

DATED:10/03/2023

ORDER

CRP.No.662 of 2023



⑤ pmg.
12/4/23.

CRP IS DISMISSED.