

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THURSDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE SAMBASIVARAO NAIDU

CIVIL REVISION PETITION NO: 594 OF 2021

Petition under Article 227 of the Constitution of India, against the Judgment dated 10.06.2019 passed in I.A. No.60 of 2018 in FCOP No.1564 of 2016, on the file of the court of the I Addl Family Court - cum - IV Addl. District Judge- R.R. District At L.B. Nagar.

Between:

Neeli Bhaskar Raju, S/o N.P. Hanumanthu Aged about 37 Yrs, Occ- Pvt. Employee, R/o. 3-7-70, Sainikpuri, Malkajgiri, R.R. Dist. Also R/o. 6-42/6/1, Balapur Sri Sai Nagar Colony, Saroornagar, R.R. Dist.,

...PETITIONER

AND

Smt. Prasanna, W/o. N. Bhaskar Raju, Aged about 30 Yrs, Occ- House Wife, R/o.6-42/6/1, Balapur, Sri Sai Nagar Colony, Saroornagar, R.R.District, TS

...RESPONDENT

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant the stay of orders passed in IA No.60 of 2018 in FCOP No.1564 of 2016 on the file of First Addl. Family Court-cum-IV Addl.Dist Judge; Ranga Reddy dist at LB Nagar. dated 10-06-2019 pending disposal of the main CRP in the interest of justice.

Counsel for the Petitioner: SRI. K GIRIDHAR RAJU

Counsel for the Respondents: VEMPATI MALLIKARJUN SHASTRY

The Court made the following: JUDGMENT

HONOURABLE SRI JUSTICE SAMBASIVA RAO NAIDU

CRP.NO.594 of 2021

JUDGMENT :

This is a civil revision petition filed by the petitioner, who is petitioner in FCOP No.1564 of 2016 and respondent in I.A.No.60 of 2018 on the file of learned I Additional Family Court, Ranga Reddy. The petitioner being aggrieved by the order of the learned I Additional Family Court, Ranga Reddy in I.A.No.60 of 2018, whereunder, he was directed to pay an amount of Rs.10,000/- per month towards interim maintenance to the respondent/petitioner, preferred the present revision under Article 227 of constitution of India.

2. As could be seen from the order, the petitioner herein has filed FCOP No.1564 of 2016 under section 13 1(i) (ia) (ib) of Hindu Marriage Act with a prayer to dissolve the marriage between him and respondent-wife. The respondent-wife filed I.A.No.60 of 2018 under Section 24 of Hindu Marriage Act and sought for a sum of Rs.20,000/- per month towards maintenance and Rs.25,000/- towards legal expenses from the petitioner herein. The petitioner has opposed the said request on various grounds. However, the

Court below having considered the affidavit of the respondent as well as counter affidavit of the petitioner herein and having heard both parties, allowed the application with the direction to the petitioner to pay an amount of Rs.10,000/- per month towards interim maintenance to the respondent-wife.

3. The present revision is filed by the petitioner and he has contended that the Court below wrongly concluded about the monthly income of the petitioner in spite of there being no supporting evidence to the said aspect. He has also claimed that the Court below did not consider the contention of the petitioner that the respondent is getting monthly rents from the house where she is residing. The petitioner has claimed that the respondent is a private employee and earning livelihood apart from rents for the house. Whereas, the petitioner is a un-employee without any earnings thereby, he cannot pay maintenance as directed by the trial Court and sought for dismissal of the application.

4. Heard both parties.

5. Now the point for consideration is :

Whether the trial court committed an error in allowing the application of the respondent-wife in granting interim maintenance of Rs.10,000/- per month, if so, whether the said order is liable to be set aside?

6. There is no dispute about the marriage between the petitioner and respondent. The petitioner herein filed FCOP No.1564 of 2016 with a prayer to dissolve the marriage with the respondent on various grounds. The respondent-wife filed an interlocutory application under Section 24 of Hindu Marriage Act and sought for interim maintenance apart from a sum of Rs.25,000/- towards legal expenses.

7. As per the affidavit filed by the respondent in support of the said application, it was specifically claimed by the respondent that the marriage between them was a love marriage. The respondent claims that at the time of marriage, she was working as a private employee and established Prasanna Foods and Beverages Outlet at Balapur and constructed a residential house. But the petitioner herein taken over the above said Prasanna Foods and Beverages Unit and asked her to alienate the residential portion acquired by the respondent. She has also attributed that the respondent harassed her for money and subjected her to cruelty, thereby, she was unable to bear the physical violence and filed a complaint before police. The respondent alleged that the petitioner is engaged in the business of Prasanna Foods and Beverages Outlet and earning more than

Rs.8000/- per month apart from movable and immovable properties, whereas, she is unable to maintain herself and not in a position to contest the divorce petition, thereby sought for interim maintenance.

8. The petitioner herein opposed the petition and submitted that there is no evidence to believe that he is having sufficient means whereas, the respondent is a private employee with sufficient income and sought for dismissal of the application.

9. The trial Court awarded a sum of Rs.10,000/- towards interim maintenance. It may be true that the respondent/wife did not produce any documentary proof or oral evidence about the means of the respondent herein. In fact the petitioner also did not produce any proof that the respondent has got business established and working as a private employee. Even if the respondent is unable to produce any proof about the income and earnings of the petitioner, being husband, he is under the obligation to maintain his wife. The Court below while allowing the application filed by the respondent, specifically observed that considering the cost of living, minimum needs and medical expenses and also considering the financial and social status of the parties, directed the petitioner to pay an amount of Rs.10,000/-

per month which is quite reasonable. Being an able bodied person and husband of the respondent, he is under the obligation to pay maintenance and a sum of Rs.10,000/- in the present days of inflation cannot be considered as a higher amount. An amount of Rs.10,000/- hardly will help the respondent to maintain herself. Therefore, the order of the Court below cannot be disturbed while exercising jurisdiction under Article 227 of Constitution of India.

10. In the result, C.R.P. is dismissed with costs.

Consequently, Miscellaneous applications if any, are closed.

Sd/- V. KAVITHA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The I Additional Family Court-cum-IV Additional District Judge, Ranga Reddy District.
2. One CC to SRI. K GIRIDHAR RAJU, Advocate [OPUC]
3. One CC to SRI. VEMPATI MALLIKARJUN SHASTRY, Advocate [OPUC]
4. Two CD Copies

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HIGH COURT

SSRN,J

DATED:23/02/2023

JUDGMENT

CRP.No.594 of 2021



DISMISSING CRP

WITH COSTS

⑥ VLV
9/5/23