IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE TWENTY SIXTH DAY OF NOVEMBER TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SMT JUSTICE K. SUJANA

CIVIL REVISION PETITION NO: 1339 OF 2024

Petition under Article 227 of the constitution of India aggrieved by the Order dated 20-02-2024 Passed in I.A.No.46 of 2022 in O.P.No.134 of 2022 on the file of the court of the I Additional Family Court-Cum-XIV Additional Metropolitan Sessions Judge, at Hyderabad.

Between:

Smt.Gowlikar Sarika @ Vageshwari, W/o. Sri Gowlikar Rakesh,Aged about 33 years, Occupation Nil, Presently residing at H.No.18-6-430, Laldarwaza, Hyderabad, T.S.

...Petitioner/Petitioner

AND

Gowlikar Rakesh, S/o. G.Yadilal, Aged about 40 years, Occupation Manager on duty (MOD), O/o. Omni Hospital, Kothapet, Hyderabad.

...Respondent/Respondent

IA NO: 1 OF 2024

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 stay all further proceedings in O.P.No.134 of 2022 on the file of the Judge, I Additional Family Court-Cum-XIV Additional Metropolitan Sessions Judge, at Hyderabad pending disposal of the above Civil Revision Petition.

Counsel for the Petitioner : Sri B Shanker

Counsel for the Respondent : _ _ _

The Court made the following: ORDER

THE HON'BLE SMT. JUSTICE K. SUJANA

CIVIL REVISION PETITION NO.1339 OF 2024

ORDER:

This revision petition is filed by the petitioner aggrieved by the order and decree dated 20.02.2024 passed in I.A.No.46 of 2022 in O.P.No.134 of 2022 on the file of Judge, I-Additional Family Court-cum-XIV Additional Metropolitan Sessions Judge at Hyderabad.

2. I.A.No.46 of 2022 is filed by the petitioner under Section 151 of Code of Civil Procedure seeking interim maintenance of Rs.30,000/- per month and Rs.50,000/- towards legal expenses till the disposal of O.P. The respondent is the husband of petitioner herein.

3. Heard Sri B.Shankar, learned counsel for the petitioner. Though notice is served on the respondent, none appeared on his behalf.

4. The contention of learned counsel for the petitioner is that though the respondent is having an income of more than Rs.38,000/-, the trial Court has granted only Rs.7000/- per month. He further contended that the document filed by the

petitioner before the trial Court is not considered. Hence, prayed to set aside the order impugned by allowing this revision.

5. Having regard to the submissions made, the contention of learned counsel for the petitioner is that though document is filed by the petitioner showing the income of respondent, the trial Court has not considered the same and granted meager amount. However, the record shows that the respondent has filed affidavit showing the assets and liabilities and that his income is Rs.17,501/- out of which he has to pay Rs.5000/- as EMI towards purchase of bike and that he has to look after his old aged parents. The petitioner has not filed any document to show that respondent is earning more than Rs.38,000/-. Hence, it cannot be said that respondent is having an income of Rs.38,000/- and the trial Court has rightly granted an amount of Rs.7000/- towards maintenance by taking the income of respondent as Rs.17,501/-. The further contention of learned counsel for the petitioner is that there is no specification of date in the order of trial Court i.e, from which date, the maintenance has to be paid. As seen from the record, O.P., is filed in the year 2022 and the petition is disposed of in February, 2024, the trial Court has to specify from which date the maintenance has to be paid. The petitioner relied on the judgment in **Rajneesh Vs**

Neha and another[1], wherein in para 109 the Supreme Court specifically observed that the interim maintenance has to be granted from the date of petition.

6. In view of the observations of the Hon'ble Supreme Court and as no date was mentioned by the trial Court in the order, the impugned order is modified only to the extent of specification of date in the order impugned. Hence, the Civil Revision Petition is partly allowed directing the respondent to pay the amount as ordered by the trial Court from the date of filing of the petition. The respondent is also directed to pay maintenance on or before 10th of every successive month.

Miscellaneous petitions, pending, if any, shall stand closed.

Sd/- A.V.S. PRASAD
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The I Additional Family Court-Cum-XIV Additional Metropolitan Sessions Judge, at Hyderabad
2. One CC to Sri B Shanker, Advocate [OPUC]
3. Two CD Copies

ADK/DL

[1] (2021) 2 Supreme Court Cases 324

HIGH COURT

DATED:26/11/2024



ORDER

CRP.No.1339 of 2024

PARTLY ALLOWING THE CRP

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