

**THE HON'BLE SRI JUSTICE R. SUBHASH REDDY  
AND  
THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA**

**FAMILY COURT APPEAL No.196 of 2015**

**JUDGMENT:** *(Per Hon'ble Sri Justice R. Subhash Reddy)*

This Family Court Appeal, under Section 19 of the Family Courts Act, is filed against the order dated 21.01.2015 in I.A.No.694 of 2014 in O.P.No.1136 of 2014 on the file of the Judge, Additional Family Court at Hyderabad, whereunder the petition filed for grant of interim maintenance to the respondents herein was allowed in part directing the appellant-husband to pay interim maintenance of Rs.20,000/- per month to the 1<sup>st</sup> respondent and Rs.10,000/- per month to the 2<sup>nd</sup> respondent from the date of the petition till disposal of the O.P.

For the sake of convenience, the parties are hereinafter referred to as they are arrayed in the O.P.

The aforesaid O.P is filed by the petitioners, who are the wife and son of the respondent-husband, under Sections 18 and 20 of the Hindu Adoptions and Maintenance Act read with Section 151 C.P.C. for grant of interim maintenance of Rs.75,000/- per month to the 1<sup>st</sup>

petitioner and Rs.25,000/- per month to the 2<sup>nd</sup> petitioner from the date of the petition till disposal of O.P. It is the case of the 1<sup>st</sup> petitioner that her marriage with the respondent was performed on 22.05.2005 at Arya Samaj, Sultan Bazar, Hyderabad. It is stated that the 1<sup>st</sup> petitioner was working as a Music teacher in St. Anthony's Girls High School, Secunderabad and after the marriage, at the request of the respondent, she gave up her job. It is also stated that the respondent is working as Director in Cognizant Technology Solutions and drawing salary of Rs.5,00,000/- per month. It is further pleaded that the respondent has purchased a flat at Malaysian Township, Kukatpally, one flat at L & T Serene County, Gacchi Bowli, one flat at Indu Fortune Fields, Kukatpally and one flat at Manjeera Majestic, Kukatpally. It is stated in the petition that the 2<sup>nd</sup> petitioner, who is staying with the 1<sup>st</sup> petitioner, was admitted in Chaitanya Techno School, Jubilee Hills, Hyderabad and that at the request of the respondent's mother, the 1<sup>st</sup> petitioner along with her son left to her parents house in the month of February, 2014 and since then, she is living separately. It is pleaded that the 1<sup>st</sup> petitioner requires Rs.25,000/- per month towards her maintenance and Rs.50,000/- towards

the maintenance of her son, the 2<sup>nd</sup> petitioner, inasmuch as the annual fees of her son is Rs.50,000/-. It is the specific case of the petitioner that she has no source of income and that she has sold gold ornaments weighing 2.5 tulas to maintain herself and her son.

The respondent-husband has filed counter affidavit, wherein except denying the allegations of the petitioners, the respondent has not disclosed his salary particulars. It is pleaded that the 1<sup>st</sup> petitioner is working as Music Teacher in Indo-American School and drawing salary.

The Family Court, having regard to the rival contentions made by the parties, has passed the impugned order as referred to above.

Learned counsel for the appellant submitted that though the 1<sup>st</sup> respondent herein is working, the Court below has ordered maintenance. It is further pleaded that the interim maintenance as ordered by the Court below is on higher side.

On the other hand, learned counsel for the respondents submitted that the appellant is working in Cognizant Technology Solutions and that the appellant except stating that he is not drawing salary of

Rs.5,00,000/- per month as stated by the 1<sup>st</sup> respondent, no evidence is produced by him to show that he is drawing lesser salary than Rs.5,00,000/-.

The impugned order is only an order of granting interim maintenance till disposal of the main O.P. It is not in dispute that the 2<sup>nd</sup> petitioner is admitted in one of the good schools in Hyderabad and it is the specific case of the petitioners that about Rs.50,000/- is the annual fees of the 2<sup>nd</sup> petitioner. In spite of specific pleading by the petitioners that the respondent is drawing about Rs.5,00,000/- per month, except denying the same, the respondent has not given his salary particulars. Further he has not given any particulars of salary being drawn by the 1<sup>st</sup> petitioner.

Having regard to the pleadings on record, we are of the view that interim maintenance awarded by the Court below is just and reasonable. With regard to other allegation of the respondent that the 1<sup>st</sup> petitioner is working, we are of the considered opinion that such aspect needs to be dealt with at the time of final disposal of the main O.P. However, we deem it appropriate to direct the Additional Family Court, Hyderabad to dispose of O.P.No.1136 of 2014 expeditiously, preferably within a

period of six months from the date of receipt of a copy of this order.

With the above direction, this Family Court Appeal is disposed of. No order as to costs.

Miscellaneous petitions, if any pending in this appeal, shall stand closed.

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**JUSTICE R.SUBHASH**

**REDDY**

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**JUSTICE A. SHANKAR**

**NARAYANA**

15<sup>th</sup> July, 2015

v v