

**HON'BLE SRI JUSTICE R.SUBHASH REDDY
AND
HON'BLE Dr. JUSTICE B.SIVA SANKARA RAO**

F.C.A.No.31 of 2015

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

Heard learned counsel for the appellant-father and the appeal is being disposed of at the admission stage.

2. This appeal, under Section 19 (1) of the Family Courts Act, 1984 is filed by the appellant-father aggrieved by the order dated 21.04.2014 in F.C.O.P.No.26 of 2012 passed by the Family Court, Secunderabad, partly allowing the petition filed by the respondent-daughter under Sections 18 and 20 of Hindu Adoption and Maintenance Act, 1956 granting marriage expenses of Rs.3,00,000/-, as against the claim of Rs.5,09,000/-, in two equal instalments from the date of the said order and, in case of default, with liberty to the respondent-daughter to recover the same with interest at 6% p.m., from the date of default till the date of realization.

3. The respondent-daughter filed F.C.O.P.No.26 of 2012 stating that her mother borrowed certain hand loans and performed her marriage by incurring a total expenditure of about 5,09,000/-. In order to substantiate her claim, she herself was examined as P.W.1 and got

marked Exs.A.1 to A.6. On behalf of the appellant-father, he himself was examined as R.W.1 and got marked Exs.B.1 and B.2, which are Pay Slip and Medical Bills of appellant-father. The Court below, having considered the material and the evidence on record, both oral and documentary, through the impugned order dated 21.04.2014 partly allowed the O.P., as indicated above. Aggrieved by the same, the present appeal is filed.

4. When the matter came up for admission on 11.02.2015, learned counsel for the respondent-daughter submits that as the O.P. is of the year 2012 and further the marriage expenses were already incurred, the respondent-daughter is willing to forego interest portion for the delayed payment, provided the appellant-father pays Rs.3,00,000/- towards marriage expenses, as ordered by the Court below. Therefore, the matter was adjourned to enable the learned counsel for appellant-father to obtain instructions in that regard.

5. Today, when the matter is called for hearing, it is submitted by the learned counsel for appellant-father that the said offer made by the respondent-daughter is acceptable to the appellant-father, however, requested to reduce the quantum of marriage expenses from Rs.3,00,000/- to Rs.2,50,000/-.

6. As there is ample evidence on record to show that the mother of the respondent-daughter incurred more than Rs.3,00,000/- towards marriage expenses, we are not inclined to reduce the said quantum as ordered by the Court below. However, in view of the submission made by the learned counsel for respondent-daughter, we hold that the respondent-daughter is not entitled for interest at 6% per annum for the delayed payment of said marriage expenses at Rs.3,00,000/-, provided the appellant-father pays such amount within a period of four months from today. Failing to pay such amount within the stipulated period, it is open to the respondent-daughter to claim the said amount along with interest at 6% per annum, as ordered by the Court below.

7. Subject to the above modification of the impugned order dated 21.4.2014, the appeal is disposed of. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH

REDDY

Dr. JUSTICE B.SIVA SANKARA

RAO

12.02.2015.

Msr

HON'BLE SRI JUSTICE R.SUBHASH REDDY
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12.02.2015
Msr