

IN THE COURT OF THE JUDGE FAMILY COURT: HYDERABAD, A.P.

DATED: Monday, the 24th day of March, 2008.

Present: Sri B. RADHA KRISHNAIAH, B.A., B.L.,
Judge, Family, Court, Hyderabad.

I.A.NO.1092 OF 2007

IN

O.P.No.292 of 2007

Between:

[REDACTED]

... Petitioner.

And

[REDACTED]

... Respondent.

This petition is coming on this day i.e., 24.3.2008 before me for final hearing in the presence of both parties, this Court delivered the following:

: ORDER :

1. This is a petition filed by the petitioner/wife against respondent husband seeking interim maintenance at the rate of Rs.30,000/- per month on the ground that petitioner is the legally wedded wife of respondent and she is not having any means to survive and respondent is having sufficient means. He is having properties and a residential house bearing [REDACTED] and he is getting rents and he got profits from all other businesses to the tune of Rs.1 lakh

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arrival of petitioner and respondent to Hyderabad from U.S.A, respondent has remitted about Rs.16 lakhs to his parents and he is also having vast agricultural properties fetching income. Therefore, she requires Rs.30,000/- per month as interim maintenance.

2. Respondent filed his counter opposing the petition saying that petitioner is having residential flat bearing NO.402, Hi line Apartment, Lingampally, Kachiguda, Hyderabad and petitioner is deriving rent from the said flat. The residential house is in the name of respondent's father and it is his self acquired property. Respondent's family is having 30 acres of land in Mahaboobnagar District, which is ancestral property and respondent is only a joint owner. Due to scarcity of water, no agricultural activity is going on in the said land. Petitioner is a qualified software consultant and according to her she worked as computer programmer in U.S.A and earned more money than petitioner. In the said circumstances, the petition may be dismissed and petitioner is not entitled to any interim maintenance. On 25.2.2008, both parties present. Exs.P1 and P2 which are the Xerox copies of passports of both parties marked. Submissions heard and this I.A is posted to 24.3.2008 for orders.

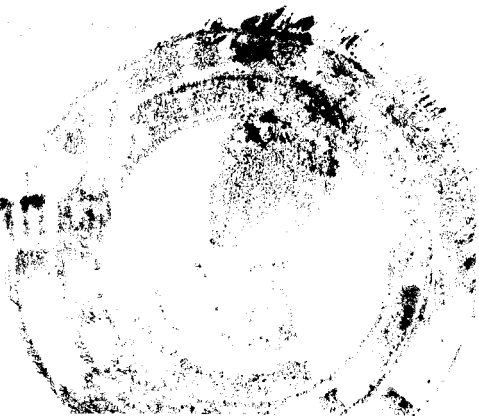
5. The point that arose for determination in this petition is:

Whether the petitioner is entitled to interim maintenance? If so, to what amount?

6.POINT:

It is important to note in the affidavit filed by petitioner in support of the petition her occupation is described as software consultant

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and resident of [REDACTED]

[REDACTED] In her affidavit, she did not state whether she is taking shelter in the house of her parents, which is the residential address given by her or she is living alone, if so in what capacity, whether the said flat [REDACTED] [REDACTED] is her own flat or if she is residing in the said house as a tenant and what is the rent she is paying. She did not disclose what is the income she is deriving as software consultant as described by her in her affidavit. It is not her case that the respondent is also engaged in employment in India. Except her statement no documentary evidence is placed before the Court to show that respondent is having agricultural lands as mentioned by her in the affidavit and he is having house properties fetching rent and he is having income of about Rs.1 lakh per month. In my considered view, petitioner has not placed true facts before the Court. She did not disclose her income having described her avocation as Software Consultant. Certainly she would be getting some salary or income by way of Software consultancy and she is not entitled to any interim maintenance and this petition is liable to be dismissed. The point is answered accordingly.

IN THE RESULT, this petition is dismissed holding that as petitioner is Software Consultant and as she got source of income, which is not disclosed to the Court, she is not entitled to any interim maintenance. Dictated to Personal Assistant, transcribed by him, corrected and pronounced by me in the open Court on this the 24th day of March, 2008.

B. R. Reddy

JUDGE

FAMILY COURT: HYDERABAD



**APPENDIX OF EVIDENCE
WITNESSES EXAMINED**

No oral evidence is adduced on either side

: EXHIBITS MARKED FOR THE PETITIONER :

- Ex.P1: Xerox copy of pass port of petitioner.
- Ex.P2: Xerox copy of pass port of respondent..
- Ex.P3: Xerox copy of Biodata of respondent.

: EXHIBITS MARKED FOR THE RESPONDENT :

Nil

BRV
JUDGE

FAMILY COURT: HYDERABAD

FORWARDED TO THE RESPONDENT

Copying Superintendent
Central Copying Est
The Civil Court Hyderabad

COURT OF THE CHIEF JUDGE
CITY CIVIL COURT HYDERABAD
CENTRAL COPYIST ESTABLISHMENT

C A No. 11892/08

Application made on 23-6-08

Stamps Called on 27-6-08

Charges Deposited on 30-6-08

Stamps Deposited on 16/7/08
Charges Sum. 11354

Deposited U/R 203 A U/R/W. 11354
Addl. Stamps Called on
Addl. Stamps Deposited on

Copy made read on 02-7-08
Copy delivered on 27-08

SUPERINTENDENT
Central Copyist Establishment

[Handwritten signature]

