

ITEM NO.62

Court No.6

SECTION XIA

**S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S**

Petition(s) for Special Leave to Appeal (Civil) No(s).23057/2007

(From the judgement and order dated 06/10/2007 in CMP No. 1606/2006 & CMA No. 2200/2004 of The HIGH COURT OF A.P AT HYDERABAD)

KOTA PRATAP BABU

Petitioner(s)

VERSUS

VANKAYALAPATI RAMALAKSHMI & ANR.

Respondent(s)

(With appln(s) for permission to place addl. documents on record and prayer for interim relief)

Date: 24/04/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

For Petitioner(s)

Mr. G. Ramakrishna Prasad,Adv.

Mr. B. Suyodhan,Adv.

Mr. Amar pal,Adv.

Mr. Bharat J. Joshi,Adv.

For Respondent(s)

Mr. A.V. Rao,Adv.

Mr. Prabhakar Parnam,Adv.

Mr. Venkateswara Rao Anumolu,Adv.

**UPON hearing counsel the Court made the following
O R D E R**

Leave granted. The appeal is disposed of in terms of the signed order.

**(Ganga Thakur)
P.S. to Registrar**

**(Juginder Kaur)
Court Master**

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 2809 OF 2009
(Arising out of SLP(C) No.23057/07)

KOTA PRATAP BABU

...APPELLANT (S)

Versus

VANKAYALAPATI RAMALAKSHMI & ANR.

..RESPONDENT (S)

ORDER

Leave granted.

We have heard learned counsel for the parties.

By the impugned order, the Division Bench of the High Court has passed an interim order directing the appellant – husband to pay an amount of Rs.5,000/- to the respondent – wife from the date of the petition, namely, 8th September, 2006, till October, 2007, and, thereafter, to continue to pay the same every month.

On behalf of the appellant, it is submitted that at the relevant time when the order was passed, the appellant had produced a Certificate from the Institution in which he was employed, to indicate that he was receiving a total salary of Rs. 5,440/- and in- spite of the same, the impugned order was passed directing him to pay Rs.5,000/- by way of maintenance to the respondent. During the hearing of the appeal, the appellant has produced a further Certificate showing the present salary being drawn by him from Vigyan Degree College, in which he was working as a Lecturer in the

English department. From the Certificate which has been issued on 9th April, 2009, it appears that the appellant is being paid a salary of Rs. 9910/- per month.

It has also been pointed out by the respondent that the appellant owns other properties and the income therefrom was not taken into consideration. On the other hand, on behalf of the appellant it is submitted that the respondent also runs a school and the income therefrom has also not been taken into consideration while granting maintenance to the appellant.

Having regard to the above, we set aside the order passed by the High Court and direct the High Court to consider the matter afresh in the light of the fresh materials which have been produced and which may be produced on behalf of the respondent.

In the meantime, as an interim measure, the appellant will pay to the respondent-wife maintenance at the reduced rate of Rs.2500/- per month from the month of May, 2009.

The appeal is disposed of accordingly.

.....J.
(ALTAMAS KABIR)

.....J.
(B. SUDERSHAN REDDY)

New Delhi,
April 24, 2009.