HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MAIN CASE No: F.C.A.No.74 of 2024

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
17.	28.04.2026	**RNT,J & BM, J** Heard Sri Gurram Rama Chandra Rao, learned counsel for the respondent/wife in F.C.A.No.74 of 2024 as also Sri A.S.K.K.Sai, learned counsel representing Sri U.M.Reddy, learned counsel for the appellant/respondent in I.A.No.2 of 2024. 2. The F.C.A.No.74 of 2024 has been filed by the husband challenging the dismissal order dated 04.12.2023 passed in F.C.O.P.No.147 of 2019 on the file of the Judge Family Court-cum-V Additional District Judge, Tirupati. 3. I.A.No.2 of 2024 has been filed by the wife seeking monthly maintenance of Rs.25,000/- for herself to meet the monthly family expenses and Rs.20,000/- per month to the minor child, pending disposal of the F.C.A.No.74 of 2024. 4. Learned counsel for the respondent in the appeal who is the applicant in I.A.No.2 of 2024 submits that F.C.O.P.147 of 2019 was filed by the husband seeking divorce under Section 13(1)(ia) of Hindu Marriage Act, 1955, which was dismissed	**Contd…**

		vide order dated 04.12.2023, against which the F.C.A.No.74 of 2024 is pending. In FCOP.No.147 of 2019, the wife had filed an application for grant of maintenance pendente lite, which was allowed *vide* order dated 12.04.2021 passed by the Judge, Family Court-cum-V Additional District Judge, Tirupati. Monthly maintenance of Rs.10,000/- was granted to the wife, pending the disposal of the main divorce case i.e., F.C.O.P.No.147 of 2019. 5. He submits that the appellant/husband has paid the maintenance pursuant to the aforesaid order upto January 2025 but since thereafter, no maintenance has been paid. 6. Counter affidavit dated 10.12.2025 has been filed by the appellant/husband to I.A.No.2 of 2024 filed as the rejoinder affidavit. It has been stated therein that in compliance of the order of the learned trial Court, the payment has been made upto 04.01.2025, as per the statement annexed to the affidavit. 7. The order of grant of maintenance by the learned trial Court was not challenged. In the said order finding has been recorded that the husband is working as Junior Engineer Mechanical in Railways and as per the pay slip, his Net salary is Rs.48,892/- per month and that the husband could not prove his case that the wife is having capacity of doing the job. 8. In the counter affidavit para 4, the	**Contd…**

appellant/husband has stated, his Net Pay at Rs.55,967/-. The salary certificate has been enclosed. So there is enhancement in the salary of the husband.

9. Nothing has been brought on record in the counter affidavit that the circumstances of wife have challenged since 04.01.2025, so as to deny her monthly maintenance pending this appeal.

10. The case for grant of maintenance to the wife pending disposal of the appeal has been made out.

11. Therefore, I.A.No.2 of 2024 is allowed in the following terms:

i) The appellant shall make the payment of the maintenance amount to the wife at the same rate of Rs.10,000/- per month as was directed by the learned trial Court, with effect from Feb 2025 till April, 2026.

ii) Thereafter from the month of May 2026, the appellant/husband shall make monthly amount @ Rs.15,000/- to the wife. This enhancement is considering the passage of time and the enhancement of the salary of the husband.

iii). The arrears for the period as in under (i) supra will be deposited in this Court in the present appeal within a period of eight (8) weeks from today.

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12. The learned trial Court did not pass the order specially for the maintenance for the child as it was stated before the said Court and was also agreed between the parties that towards the maintenance of the child (daughter) Rs.5,000/- per month was being paid.

13. The prayer for payment of maintenance for the child will be considered on the next date(s).

14. In the meantime, instructions shall be obtained, whether the amount of Rs.5,000/- per month is being paid to the child or not. An affidavit to that effect shall be filed by the appellant.

15. This application is partly allowed with respect to the maintenance of the wife. This application with respect to the child, is kept pending for disposal on the next date(s).

16. Post after Summer Vacation, 2026 along with F.C.A.No.73 of 2024.

RNT,J

BM,J

KNN