

[3572]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

TUESDAY, THE TWENTY EIGHTH DAY OF APRIL

TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

AND

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

FAMILY COURT APPEAL (FCA) NO: 74 OF 2024

Between:

N.Venkata Surya Siva Prakash, S/o.N.Sathyanarayana, Aged 35 years,
Occ Railway Employee, R/O.D.NO.19-47-S9-424, Gopalraju Colony,
Tirupati Town, Chittoor District at present Tirupati District.

... Appellant

AND

V.Asha Lakshmi, W/o.N.Venkatasurya Siva Prakash, Aged 26 years,
R/o.D.No. 19-08-190, SBI Colony, Tirupati Town, Chittoor District at
present Tirupati District. Presently R/o.D.No.23-8-51/5-A, Jayashankar
Nagar Colony, RC. Road, Tirupati, Tirupati District-517 501.

.... Respondent

Appeal under Section 19 of the Family Courts Act is filed, praying that
the High Court may be pleased to set aside the judgment and decree dated
04-12-2023 in FCOP No. 147 of 2019, on the file of the On the file of the
Judge, Family Court- Cum-V Additional District Judge, Tirupati by allowing the
FCA.

IA NO: 1 OF 2024

Petition under Section 151 CPC is filed, praying that in the circumstances
stated in the affidavit filed in support of the petition, the High Court may be
pleased to suspend the operation of decree and Judgment Dt 04-12-2023 in

FCOP No. 147 of 2019 on the file of the Judge, Family Court-Cum-V Additional District Judge, Tirupati, Pending disposal of FCA 74 of 2024, on the file of the High Court.

IA NO: 2 OF 2024

Petition under Section 151 CPC is filed, praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondent to pay interim maintenance of Rs.25,000/- per month to the petitioner herein to meet the monthly family expenses; Rs.20,000/- per month to the minor child N. Nirvigna, aged 7 years, for her educational and other expenses, Pending disposal of FCA 74 of 2024, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI CH.U.M.REDDY Advocate for the Petitioner, RAMA CHANDRA RAO GURRAM Advocate for the Respondent, the Court made the following.

ORDER

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 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 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 for the wife:

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 under

(i) supra will be deposited in this Court in the present appeal within a period of eight (8) weeks from today.

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.

SD/- T.SRINIVASA RAO
ASSISTANT REGISTRAR

//TRUE COPY


SECTION OFFICER

To,

1. V.Asha Lakshmi, W/o.N.Venkatasurya Siva Prakash, Aged 26 years, R/o.D.No. 19-08-190, SBI Colony, Tirupati Town, Chittoor District at present Tirupati District. Presently R/o.D.No.23-8-51/5-A, Jayashankar Nagar Colony, RC. Road, Tirupati, Tirupati District-517 501. (by RPAD)
2. One CC to SRI. CH.U.M.REDDY Advocate [OPUC]
3. One CC to SRI. RAMA CHANDRA RAO GURRAM Advocate [OPUC]
4. Two spare copies.

KSR

HIGH COURT

RNT, J

&

BM, J

DATED:28/04/2026

Post after Summer Vacation, 2026 along with F.C.A.73 of 2024.

ORDER

FCA.No.74 of 2024

DIRECTION

