

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL No.1159 OF 2023
(Arising out of SLP@No.26395 of 2019)

CHANDU SRIDEVI

... APPELLANT

Versus

CHANDU SESA RAO

... RESPONDENT

O R D E R

1. Leave granted.
2. The appellant and the respondent are husband and wife. They got married on 15.04.2001 at Tirumala, Tirupati. There are two sons born out of the wedlock; one of whom is a college student and the other is studying in school. Unfortunately, there arose matrimonial disputes between the parties over time. The respondent - husband even filed a petition for grant of a decree of divorce. It appears that the respondent - husband deserted the appellant - wife and the children, who are under the care of the appellant - wife. The appellant - wife filed a petition under Section 24 of the Hindu Marriage Act, 1955 seeking educational maintenance of Rs.90,000/- for her sons, besides monthly maintenance of Rs.20,000/- each for both the sons.
3. The Family Court vide order dated 12.10.2018 granted a sum of Rs.10,000/- per month each to the minor children of the

parties towards their interim maintenance from the date of petition. The respondent - husband challenged the said Order and the High Court vide impugned order dated 04.02.2019 has reduced the interim maintenance from Rs.10,000/- p.m. each to Rs.3,000/- p.m. each.

4. The High Court has held that both the parents are equally responsible for the maintenance and education of the children and since the appellant - wife is also earning, the burden of maintenance of the children cannot be fastened on the respondent - husband alone.

5. We have heard learned counsels for the parties and carefully perused the material placed on record.

6. The High Court may be correct in observing that in a case where both the husband and wife are earning, they have a shared responsibility to maintain the children and provide them best education. However, the amount of maintenance for a child, in this regard, has to be fixed keeping in view ground realities. It has been noticed by the High Court that the older son is studying in Sri Chaitanya College, while the younger son is enrolled at Bhashyam School. That being an admitted fact, it can be reasonably inferred that the expenses dedicated to the education and day-to-day maintenance of both the children are much more than Rs.10,000/- p.m. The appellant - wife is also, thus, contributing substantially for the maintenance and education of the children. Merely because the appellant - wife has some source of livelihood does not absolve the respondent - husband from his responsibility to maintain and provide a good education for the children. In this

era of high prices and increased cost of living, a sum of Rs.10,000/- p.m. is much less than what is required to meet the basic needs of a college/school going child. The High Court, therefore, ought not to have reduced the interim compensation which clearly overlook the actual needs of the children. At the very least, the amount of maintenance should remain the same as directed in the interim order of the Family Court.

7. For the reasons aforesaid, the appeal is allowed, the impugned order dated 04.02.2019 passed by the High Court is set aside and the interim order dated 12.10.2018, passed by the Family Court at L.B. Nagar, Ranga Reddy District, is restored.

8. The respondent - husband is directed to pay the arrears of interim maintenance to the appellant - wife within a period of two months and he shall continue to pay the interim maintenance till it is modified/revised/finally determined by the Family Court.

.....J.
(SURYA KANT)

.....J.
(J.K. MAHESHWARI)

NEW DELHI;
FEBRUARY 14, 2023.

ITEM NO.23

COURT NO.9

SECTION XII-A

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 (C) No(s).26395/2019

(Arising out of impugned final judgment and order dated 04-02-2019 in CRP No.6821/2018 passed by the High Court for the State of Telangana at Hyderabad)

CHANDU SRIDEVI

Petitioner(s)

VERSUS

CHANDU SESA RAO

Respondent(s)

Date : 14-02-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE J.K. MAHESHWARI

For Petitioner(s) Mr. D.Srinivas, Adv.
Mr. C.Lakshmana, Adv.
Mr. B.Paramesh, Adv.
Mr. Mohan Lal Sharma, AOR

For Respondent(s) Mr. Nitin S.Tambwekar, Adv.
Mr. Pankaj Kumar Singh, Adv.
Mr. Seshatalpa Sai Bandaru, AOR

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

Leave granted.

The appeal is allowed in terms of the signed order.

(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

(PREETHI T.C.)
COURT MASTER (NSH)

(Signed order is placed on the file)