

**(1994) 01 SC CK 0138**

**Supreme Court of India**

**Case No:** Civil Appeal No. 892 Of 1988

Mannava Satyawati and Others

APPELLANT

Vs

Mannava Malleswara Rao and  
Others

RESPONDENT

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**Date of Decision:** Jan. 6, 1994

**Citation:** (1995) 3 SCC 374 Supp

**Hon'ble Judges:** Yogeshwar Dayal, J; Kuldip Singh, J

**Bench:** Division Bench

**Final Decision:** Allowed

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### **Judgement**

@JUDGMENTTAG-ORDER

1. MANNAVA Satyawati, the appellant is the wife of respondent Mannava Malleswara Rao. The other three appellants are their children. The appellants filed a suit for maintenance against the respondent before the Munsif Magistrate, Guntur. The learned Magistrate by his order dated 11/11/1982 decreed the suit and granted maintenance Rs. 150.00 per month to the wife and Rs. 75.00 per month to each of the three children. The respondent challenged the order by way of appeal before the District Judge, Guntur which was allowed and the maintenance awarded by the Magistrate was set aside. The High court upheld the order of the District Judge.

2. THIS court while granting special leave passed the following order :

"DELAY condoned. Special leave granted. Pending notice in regard to interim relief by way of ad interim relief it is ordered that the order passed by the learned District Judge, Guntur as confirmed by the High court shall stand suspended. In the result the order passed by the learned Munsif Magistrate, Guntur will hold the field and the petitioners will be entitled to recover maintenance in accordance with the said order."

3. WE have heard learned counsel for the parties. We have been taken through the judgments of the Munsif Magistrate and of the District Judge as upheld by the High court. We are of the view that the District Judge and the High court fell into patent error in denying the maintenance to the appellants. The High court fell into patent error in reaching the finding that since the wife and the children left the house on their own they were not entitled to the maintenance. In the facts and circumstances of this case the respondent was bound to maintain his wife and children. We do not agree with the reasoning of the District Judge and that of the High court. We set aside the judgment of the District Judge and of the A. P. High court and restore that of the Munsif Magistrate, Guntur. We agree with the reasoning and the conclusions reached by the Munsif Magistrate. We allow the appeal with costs. We quantify the costs as Rs. 5,000.00.