

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THE HON'BLE SRI JUSTICE VAKITI RAMAKRISHNA REDDY

**CONTEMPT CASE No.2792 of 2025
AND
I.A.No.2 of 2024
IN
CIVIL REVISION PETITION No.4263 of 2013**

Date: 24.07.2026

CONTEMPT CASE No.2792 of 2025

Between:

... Petitioner
And
... Respondent

**I.A.No.2 of 2024
IN
CIVIL REVISION PETITION No.4263 of 2013**

Between:

... Petitioner
And
... Respondent

COMMON ORDER:

Heard Smt. _____, the petitioner,
(Party-in-Person) and Sri K.Durga Prasad, learned counsel for the
respondent. Perused the material on record.

2. Contempt Case No.2792 of 2025 has been filed by the
petitioner under Sections 10, 11 and 12 of the Contempt of Courts

Act, 1971, alleging that the respondent has willfully and deliberately disobeyed the directions in the order dated 15.10.2024 passed by this Court in C.R.P.No.4263 of 2013.

3. I.A.No.2 of 2024 in C.R.P.No.4263 of 2013 has been filed by the petitioner under Order XLVII Rule 1 read with Sections 114 and 151 of the Code of Civil Procedure, 1908, seeking review of the same order dated 15.10.2024, on the ground that it suffers from errors apparent on the face of the record.

4. Both matters arise out of the same order dated 15.10.2024, are between the same parties, and involve common questions of fact and law. The contempt case also depends upon that order continuing to exist. This Court has therefore heard both matters together and disposes of them by this common order.

5. For convenience, the parties are referred to as they are arrayed in the Contempt Case. The petitioner is the wife and the respondent is the husband.

I. FACTUAL BACKGROUND

6. The facts giving rise to the Contempt Case and the Review Application, briefly stated, are as follows:

6.1 Matrimonial disputes arose between the petitioner/wife and the respondent/husband, and O.P.No.1503 of 2010

came to be filed before the learned I Additional Family Court, Hyderabad.

6.2 During the pendency of that Original Petition, the petitioner/wife filed I.A.No.918 of 2010 under Section 24 of the Hindu Marriage Act, 1955, read with the relevant provisions of the Protection of Women from Domestic Violence Act, 2005 and the Code of Civil Procedure, 1908, seeking interim maintenance for herself and for the two daughters.

6.3 By order dated 27.06.2013, the learned Judge, Family Court, Hyderabad, partly allowed I.A.No.918 of 2010 and directed the respondent/husband to pay interim maintenance of Rs.20,000/- per month to the petitioner/wife and Rs.15,000/- per month each to the two daughters, pending disposal of O.P.No.1503 of 2010.

6.4 Aggrieved by the said order, the respondent/husband filed C.R.P.No.4263 of 2013 before this Court.

6.5 By order dated 15.10.2024, this Court partly allowed the Civil Revision Petition. It set aside the interim maintenance awarded to the petitioner/wife, confirmed the maintenance granted to the two daughters, and directed the

respondent/husband to pay the entire arrears of maintenance payable to the daughters till they attained majority, within two months.

6.6 Alleging that the respondent/husband did not comply with this direction within the time given, and that he did so despite the undertaking recorded in the same order, the petitioner/wife filed Contempt Case No.2792 of 2025.

6.7 The petitioner/wife also filed I.A.No.2 of 2024 in C.R.P.No.4263 of 2013 seeking review of the order dated 15.10.2024. Her case is that the order denied her maintenance on a ground not permitted in law and on a premise that is factually incorrect, that it restricted the daughters' entitlement to the date of majority, and that it was passed without considering the governing statutory provisions and the binding decisions of the Hon'ble Supreme Court.

6.8 During the contempt proceedings, on 06.11.2025, the respondent/husband produced two demand drafts of Rs.6,00,000/- each, totaling Rs.12,00,000/-, in favour of the two daughters. The petitioner received them subject to her

objections. The respondent undertook to pay the balance within one week.

6.9 On 14.11.2025, the respondent/husband handed over a further demand draft for Rs.20,10,000/-, stating that the entire arrears directed under the order dated 15.10.2024 had thereby been paid. This amount was also received subject to the petitioner's objections.

6.10 By order dated 05.12.2025, this Court referred both C.C.No.2792 of 2025 and C.R.P.No.4263 of 2013 to mediation through the High Court Legal Services Committee, so that the long-pending matrimonial disputes might be settled amicably. The mediation did not succeed.

6.11 It may be noticed at the outset that O.P.No.1503 of 2010 is still pending before the learned I Additional Family Court, Hyderabad, and that the order dated 27.06.2013 is, and has always been, an order of interim maintenance operating only till the disposal of that Original Petition.

6.12 It is in this background that the Contempt Case and the Review Application have been taken up together and are being decided by this common order.

II. SUBMISSIONS OF THE PARTIES:

(a) Submissions on behalf of the petitioner:

7. The petitioner, appearing as party-in-person, submitted that the respondent/husband has continuously and willfully disobeyed the order dated 15.10.2024. Though the respondent had undertaken before this Court, as recorded in that order, that he would pay the entire maintenance awarded by the learned Family Court to the daughters, he did not honour that undertaking within the time given, and is therefore liable under the Contempt of Courts Act, 1971. The petitioner submitted that no payment at all was made towards maintenance for nearly fifteen years, and that the litigation has been prolonged to deprive her and the daughters of maintenance lawfully due to them.

8. In support of the entitlement claimed, the petitioner relied upon *Rajnish v. Neha*¹. She also relied upon *Hirachand Srinivas Managaonkar v. Sunanda*², to contend that a husband who does not comply with an order of maintenance passed against him cannot take advantage of his own wrong; and upon *Hema v. Parthasarathy*³, *Swati Kaushik v. Ashwani Sharma*⁴ and

¹ (2021) 2 SCC 324

² (2001) 4 SCC 125

³ (2002) 3 MLJ 319

⁴ 2019 SCC OnLine Del 7133

*Atreyapurapu V.S. Rao v. Atreyapurapu V. Shyamala*⁵, on the general propositions urged as to the grant and enforcement of maintenance.

9. On maintainability of the review, the petitioner submitted that the order suffers from errors apparent on the face of the record, because it was passed without considering the statutory provisions governing maintenance and the binding decisions of the Hon'ble Supreme Court. The petitioner relied upon *Sanjay Kumar Agarwal v. State Tax Officer*⁶, to contend that a review lies where the error is apparent on the face of the record and does not require a long-drawn process of reasoning to detect. The petitioner further relied upon *Siddharam Satlingappa Mhetre v. State of Maharashtra*⁷ and *State of Andhra Pradesh v. B. Satyanarayana Rao*⁸, to contend that a decision rendered in ignorance of a binding statutory provision or binding precedent is *per incuriam*.

10. The petitioner also relied upon *The Selection Committee for Admission to the Medical and Dental College, Bangalore v. M.P. Nagaraj*⁹, where, following *Thungabhadra Industries Ltd. v.*

⁵ 1990 DMC 486 (AP)

⁶ (2024) 2 SCC 362

⁷ (2011) 1 SCC 694

⁸ (2000) 4 SCC 262

⁹ AIR 1972 Mys 44 (DB)

*Government of Andhra Pradesh*¹⁰ and *Jamna Kuer v. Lal Bahadur*¹¹, it was held that overlooking a binding decision is a ground for review; and upon *Jamna Kuer's case (supra)* itself, to contend that it does not matter how the error was committed, whether by mistake of counsel or by oversight of the Court, so long as the error is apparent from the record.

11. The petitioner further relied upon *Yashwant Sinha v. Central Bureau of Investigation*¹², where the Hon'ble Supreme Court held that if the relevant law is ignored, or an inapplicable law forms the foundation of the judgment, a ground for review arises, since a judgment rendered in ignorance of the applicable law shows a clear error in the decision. She also pointed out, relying on the same decision, that fresh material relied upon in review must be relevant, must be capable of undermining the verdict, and must be such as could not have been produced earlier despite due diligence.

12. The petitioner also relied upon *Board of Control for Cricket in India v. Netaji Cricket Club*¹³, to contend that a review lies not only on discovery of new and important evidence or on an error apparent on the face of the record, but also where it is necessitated

¹⁰ AIR 1964 SC 1372

¹¹ AIR 1950 FC 131

¹² (2020) 2 SCC 338

¹³ (2005) 4 SCC 741

by some mistake or for any other sufficient reason; that the words 'sufficient reason' are wide enough to include a misconception of fact or law by the Court or even by an advocate; and that a mistake in the nature of an undertaking is itself a ground of review.

13. The petitioner next submitted that this Court, while declining to interfere with the maintenance granted to the daughters, wrongly restricted it to the date on which they attained majority, instead of till their marriage or financial independence, contrary to Sections 3(b), 20 and 21 of the Hindu Adoptions and Maintenance Act, 1956. The petitioner relied upon *Abhilasha v. Parkash*¹⁴, where it was held that an unmarried Hindu daughter is entitled to claim maintenance from her father till her marriage or till she is able to maintain herself, under Section 20 of the Act of 1956; and upon *Naimullah Sheikh v. State of Uttar Pradesh*¹⁵, where it was held that an unmarried daughter is entitled to maintenance till her marriage, irrespective of religion.

14. The petitioner further submitted that the order, in adding the restriction to the date of majority despite the respondent's undertaking to pay the entire maintenance, is cryptic and non-speaking. She relied upon *Kranti Associates (P) Ltd. v. Masood*

¹⁴ (2021) 13 SCC 99

¹⁵ MANU/UP/0066/2024

*Ahmed Khan*¹⁶, where the Hon'ble Supreme Court held that recording of reasons is an essential part of judicial decision-making and forms part of the principles of natural justice.

15. On her own entitlement, the petitioner submitted that this Court denied her maintenance on the sole ground that the petitioner is educated and earning, and that this proceeds on a premise which is factually incorrect. The petitioner is not, and has never been, in employment. The petitioner is a member of the Bar in independent professional practice, and the receipts of such a practice are neither fixed nor regular nor assured. The petitioner submitted that enrolment at the Bar is not evidence of income, much less of income sufficient for her support under Section 24 of the Hindu Marriage Act, 1955; and that no material was placed before the Court, and no finding was recorded, as to what she actually earns from her practice.

16. In support, the petitioner relied upon *Amarjit Kaur v. Harbhajan Singh*¹⁷, where it was held that once the Court finds that the wife has no sufficient independent income, the only discretion left is as to the quantum of maintenance; and upon *Jasbir Kaur Sehgal v. District Judge, Dehradun*¹⁸, where it was held

¹⁶ (2010) 9 SCC 496

¹⁷ (2003) 10 SCC 228

¹⁸ (1997) 7 SCC 7

that in fixing maintenance *pendente lite* the Court must consider the status of the parties, the income of the husband and the standard of living to which the claimant was accustomed, and that an adverse inference may be drawn where the husband conceals his income.

17. The petitioner further relied upon *Shailja v. Khobbanna*¹⁹, *Reema Salkan v. Sumer Singh Salkan*²⁰, *Chaturbhuj v. Sita Bai*²¹ and *Manish Jain v. Akanksha Jain*²², where it has consistently been held that the mere fact that a wife is educated, professionally qualified or capable of earning does not by itself disentitle her to maintenance, the test being whether the income actually available to her is sufficient for her support having regard to the status of the parties. She also relied upon the Division Bench decisions of this Court in *G. Eknath Reddy v. K. Pragyna Reddy*²³ and *Esha Sharma v. Col. Sameer Sharma*²⁴, to the same effect.

18. The petitioner further submitted that the revisional jurisdiction exercised by this Court in C.R.P.No.4263 of 2013 is supervisory in nature, and could not have been exercised as an appellate jurisdiction by reappreciating the material and

¹⁹ (2018) 12 SCC 199

²⁰ (2019) 12 SCC 303

²¹ (2008) 2 SCC 316

²² (2017) 15 SCC 801

²³ 2024 SCC OnLine TS 265

²⁴ 2024 SCC OnLine TS 263

substituting the findings of the learned Family Court, in the absence of any jurisdictional error or perversity. The petitioner relied upon *Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh*²⁵.

19. It was next submitted that the respondent approached this Court without clean hands, by suppressing his assets, his income and his registered residential address, so as to evade the process of law, contrary to Order VI Rule 14-A of the Code of Civil Procedure, 1908. She relied upon *Peram Sravani v. Peram Bhagyamma*²⁶, *Marudhar Services Ltd. v. Ved Prakash*, MANU/DE/2601/2012, *Kanta Devi v. Sharda* (R.S.A.No.60 of 2009, decided on 16.10.2023), and *Bhimrao Pundalik Bhalerao v. United Western Bank Limited*²⁷.

20. It was further submitted that the respondent made deliberately false statements before the Courts as to his residence and other material particulars, and thereby committed perjury. She relied upon *Pritish v. State of Maharashtra*²⁸, *Iqbal Singh*

²⁵ (2014) 9 SCC 78

²⁶ MANU/AP/0284/2024

²⁷ 2010 SCC OnLine Bom 1562

²⁸ (2002) 1 SCC 253

*Marwah v. Meenakshi Marwah*²⁹ and *State of Punjab v. Jasbir Singh*³⁰.

21. Lastly, the petitioner submitted that the respondent has ample means to comply with the order of maintenance, having held directorships and interests in several companies and properties, but has avoided payment by concealing his assets and income; that his breach of the undertaking given to this Court amounts to a fraud upon the Court and is civil contempt; and that he be punished under the Contempt of Courts Act, 1971, the order dated 15.10.2024 be reviewed and set aside, and C.R.P.No.4263 of 2013 be dismissed with exemplary costs.

(b) Submissions on behalf of the respondent:

22. On the other hand, Sri K. Durga Prasad, learned counsel for the respondent, submitted that the review application is misconceived, is not maintainable in law or on facts, and is liable to be dismissed at the threshold. The order dated 15.10.2024, he submitted, is a well-reasoned order passed after considering the pleadings and the material on record, and does not suffer from any error apparent on the face of the record.

²⁹ (2005) 4 SCC 370

³⁰ 2022 SCC OnLine SC 1240

23. It was further submitted that the review petitioner is in substance seeking a rehearing of the Civil Revision Petition by asking this Court to reappraise the facts and the law, which is not permissible in review. He relied upon *S. Murali Sundaram v. Jothibai Kannan*³¹, where the Hon'ble Supreme Court reiterated that the review jurisdiction is very limited, that a review cannot become an appeal in disguise, and that an erroneous order may be challenged in appeal but cannot be made the subject-matter of review under Order XLVII Rule 1 of the Code. He also relied upon *Perry Kansagra v. Smriti Madan Kansagra*³², where it was held that an error which has to be found out by a process of reasoning is not an error apparent on the face of the record, and that review is not the proper remedy where what is really sought is a reconsideration of the earlier decision as in appeal.

24. Learned counsel submitted that the respondent has in any event complied with the directions in the order dated 15.10.2024 by paying the entire arrears of maintenance payable to the daughters through demand drafts, which fact is recorded in the docket orders dated 06.11.2025 and 14.11.2025, and that the allegation of willful disobedience is therefore not sustainable and no case of civil contempt is made out.

³¹ (2023) 13 SCC 515

³² (2019) 20 SCC 753

25. It was further submitted that the petitioner, being herself a practicing advocate, is a professional with means to maintain herself; that the learned Family Court ought not to have granted her maintenance at all; and that the finding of this Court in the order under review is a finding reached on an appreciation of the material, which cannot be reopened in review.

26. Learned counsel further submitted that the application before the learned Family Court was filed under Section 24 of the Hindu Marriage Act, 1955, read with the provisions of the Protection of Women from Domestic Violence Act, 2005, and not under the Hindu Adoptions and Maintenance Act, 1956; that the petitioner cannot therefore seek, in review, an adjudication of rights under Section 20 of the Act of 1956; and that this is all the more so when the daughters have long since attained majority and are stated to be practicing advocates. He relied upon *Abhilasha's case (supra)* to contend that a claim under Section 20 of the Act of 1956 must be separately pleaded and decided by the competent forum, and cannot be granted in a proceeding under a different statute, much less in review.

27. It was lastly submitted that the review petitioner has repeatedly filed frivolous and vexatious proceedings against the respondent, his family members, his counsel and even judicial

officers, to harass them and to prolong the litigation, and that such conduct is an abuse of the process of Court and disentitles her to any discretionary relief. Learned counsel relied upon the order of this Court in CrI.P.No.4507 of 2011, by which criminal proceedings initiated by the petitioner were quashed on a finding that they were filed with an oblique motive and were an abuse of the process of law, following *State of Haryana v. Bhajan Lal*³³. He pointed out that the said order became final, as Special Leave Petition (Criminal) Diary No.2425 of 2023 was dismissed by the Hon'ble Supreme Court on 28.04.2023 and Review Petition Diary No.34815 of 2023 was dismissed on 05.10.2023.

28. Therefore, it was submitted that none of the grounds urged discloses any error apparent on the face of the record; that the petitioner merely seeks reconsideration of findings rendered on merits, which is outside the scope of review; and that the review application be dismissed with exemplary costs.

III. POINTS FOR CONSIDERATION:

29. Having considered the rival submissions and perused the material on record, the following points arise for determination:

- (i) Whether I.A.No.2 of 2024 is maintainable, and whether the grounds urged in it fall within the scope of the review

³³ 1992 Supp (1) SCC 335

jurisdiction under Order XLVII Rule 1 read with Sections 114 and 151 of the Code of Civil Procedure, 1908?

(ii) Whether the order dated 15.10.2024 passed in C.R.P.No.4263 of 2013 suffers from an error apparent on the face of the record, or discloses any other sufficient reason for review, in that —

(a) it set aside the interim maintenance granted to the petitioner/wife on the sole ground that she is educated and earning, though she is not in employment but is a member of the Bar in independent professional practice;

(b) it restricted the entitlement of the daughters to the date of their attaining majority;

(c) it interfered with the findings of the learned Family Court by reappreciating the material on record; and

(d) it was passed without the Affidavit of Disclosure of Assets and Liabilities required by *Rajnish's case* (*supra*)?

(iii) If point (ii) is answered in the affirmative, what is the consequential order to be passed in C.R.P.No.4263 of 2013?

(iv) Whether Contempt Case No.2792 of 2025 survives for adjudication once the order dated 15.10.2024 is reviewed and set aside?

(v) To what relief?

IV. CONSIDERATION AND FINDINGS:

(a) The settled principles governing review:

30. As the whole controversy on point (i) turns on the limits of the review jurisdiction, it is necessary to set out the principles settled by the Hon'ble Supreme Court, and to test the grounds urged against those principles.

30.1 Order XLVII Rule 1 of the Code of Civil Procedure, 1908, read with Sections 114 and 151, permits a Court to review its own order on three grounds, namely, (i) discovery of new and important matter or evidence which, after the exercise of due diligence, was not within the knowledge of the applicant or could not be produced by him when the order was made; (ii) some mistake or error apparent on the face of the record; and (iii) any other sufficient reason.

30.2 These grounds, and the limits attached to them, have been summarised by the Hon'ble Supreme Court in *Kamlesh*

*Verma v. Mayawati*³⁴, which is the leading decision on the subject. It was held there that the words 'any other sufficient reason', as explained in *Chhajju Ram v. Neki*³⁵ and approved in *Moran Mar Basselios Catholicos v. Most Rev. Mar Poulouse Athanasius*³⁶, mean a reason sufficient on grounds at least analogous to those specified in the rule. It was further held that review proceedings are not in the nature of an appeal and must be strictly confined to the scope of Order XLVII Rule 1; that mere disagreement with the view taken in the judgment is no ground for review; and that once a point has been dealt with and answered, the parties cannot challenge the judgment on the plea that another view is possible.

30.3 *Kamlesh Verma's case (supra)* also states what a review will not lie for: repetition of an old and overruled argument; minor mistakes of no consequence; treating the review as a rehearing of the case; and, above all, an erroneous decision on the merits, which is a matter for appeal and not for review.

30.4 The earlier decisions are to the same effect. In *Thungabhadra Industries Limited's case (supra)*, it was held

³⁴ (2013) 8 SCC 320

³⁵ AIR 1922 PC 112

³⁶ AIR 1954 SC 526

that an error apparent on the face of the record is one that can be pointed out without any elaborate argument a substantial point of law which stares one in the face and on which there can be no two opinions. In *Aribam Tuleshwar Sharma v. Aribam Pishak Sharma*³⁷, and in *Meera Bhanja v. Nirmala Kumari Choudhury*³⁸, it was reiterated that review is not an appeal and must be confined to the rule, and that the error must be self-evident and must not require reasoning on points on which two views are possible.

30.5 This Court accepts and applies these principles fully. They are not principles to be got around; they are the very principles by which the present application must be tested. Three consequences follow, and this Court records them at the outset so that its approach is clear.

30.6 *First*, this Court will not reweigh the material that was before the Court on 15.10.2024, nor substitute its own view of that material for the view then taken. *Secondly*, this Court will not treat the order as open to review merely because a different conclusion was possible on the same record. *Thirdly*, this Court will confine itself to asking whether the order shows a defect which is apparent from the record —

³⁷ (1979) 4 SCC 389

³⁸ (1995) 1 SCC 170

that is, one shown by placing the order beside the record and the governing law, and not by re-arguing the merits.

(b) Whether the grounds urged fall within the review jurisdiction [Point (i)]

31. Tested on these principles, the grounds urged in I.A.No.2 of 2024 do fall within the review jurisdiction. The reasons follow.

31.1 The petitioner does not invoke the first ground under Order XLVII Rule 1. No discovery of new and important matter or evidence is pleaded or relied upon. The application rests mainly on the second ground, and in one respect on the third.

31.2 The substance of the grievance is not that the material on record permits a different view. It is that binding statutory provisions and binding decisions of the Hon'ble Supreme Court, which directly govern the entitlement to and the fixing of maintenance, were not considered at all. That is a different complaint, and it is important to see why. An error of appreciation is found by weighing the material afresh. An omission to apply the governing law is found by placing the order beside the statute and the decision which the order does not notice. The first calls for the very reappreciation which review forbids. The second calls for no reasoning at

all, and therefore meets the test of self-evidence laid down in *Thungabhadra Industries* and *Meera Bhanja's cases (supra)*. The omission is apparent from the record itself.

31.3 That such an omission is a recognised ground of review is settled. In *Yashwant Sinha v. Central Bureau of Investigation*³⁹, the Hon'ble Supreme Court held as follows:

"78. The view of this Court, in *Girdhari Lal Gupta* as also in *Deo Narain Singh*, has been noticed to be that if the relevant law is ignored or an inapplicable law forms the foundation for the judgment, it would provide a ground for review. If a court is oblivious to the relevant statutory provisions, the judgment would, in fact, be *per incuriam*. No doubt, the concept of *per incuriam* is apposite in the context of its value as the precedent but as between the parties, certainly it would be open to urge that a judgment rendered, in ignorance of the applicable law, must be reviewed. The judgment, in such a case, becomes open to review as it would betray a clear error in the decision.

79. As regards fresh material forming basis for review, it must be of such nature that it is relevant and it undermines the verdict. This is apart from the requirement that it could not be produced despite due diligence."

31.4 It is thus recognised that where a Court is unaware of the relevant statutory provisions, the resulting judgment is *per incuriam*; and that though the doctrine of *per incuriam* usually operates in the field of precedent, as between the parties the aggrieved party may urge that a judgment

³⁹ (2020) 2 SCC 338

rendered in ignorance of the applicable law must be reviewed, as such a judgment shows a clear error in the decision. The same principle underlies *Siddharam Satlingappa Mhetre's case (supra)* and *B. Satyanarayana Rao's case (supra)*.

31.5 That overlooking a binding decision is also a ground for review is settled. In *The Selection Committee for Admission to the Medical and Dental College, Bangalore's case (supra)*, the very question before the Division Bench was whether overlooking a binding decision is a ground for reviewing a judgment or order of a Court, and it was answered in the affirmative by applying the test in *Thungabhadra Industries's case (supra)*. In *Jamna Kuer's case (supra)*, it was held that it does not matter how the error crept into the record — whether by the mistake of counsel or by an oversight of the Court — so long as the error is apparent from the record. In *Sanjay Kumar Agarwal's case (supra)*, it was reiterated that a review lies where the error is apparent on the face of the record and does not require a long-drawn process of reasoning.

31.6 In one further respect the application falls under the third ground. In *Board of Control for Cricket in India v. Netaji Cricket Club*⁴⁰, the Hon'ble Supreme Court held as follows:

"89. Order XLVII Rule 1 of the Code provides for filing an application for review. Such an application for review would be maintainable not only upon discovery of a new and important piece of evidence or when there exists an error apparent on the face of the record but also if the same is necessitated on account of some mistake or for any other sufficient reason.

90. Thus, a mistake on the part of the Court, which would include a mistake in the nature of the undertaking, may also call for a review of the order. An application for review would also be maintainable if there exists sufficient reason therefor. What would constitute 'sufficient reason' would depend upon the facts and circumstances of the case. The words 'sufficient reason' in Order XLVII Rule 1 of the Code are wide enough to include a misconception of fact or law by a Court or even an advocate. An application for review may be necessitated by invoking the doctrine *actus curiae neminem gravabit*."

31.7 This Court is conscious that the width given to the words 'sufficient reason' in *Netaji Cricket Club's case (supra)* must be read along with the requirement, affirmed in *Kamlesh Verma's case (supra)*, that the reason must be at least analogous to the grounds specified in the rule. So read, no difficulty arises on the facts of this case. A difference between an undertaking recorded by the Court and the direction issued by it in the same order is not something to

⁴⁰ (2005) 4 SCC 741

be investigated outside the record; it is shown by reading the order itself. Such a mistake is therefore not merely analogous to an error apparent on the face of the record — it is an instance of one. This Court accordingly relies on *Netaji Cricket Club's case (supra)* only so far as it is consistent with the settled limits, and does not read that decision as widening the review jurisdiction beyond them.

32. This Court is equally conscious of the principles relied upon by the respondent, and considers it necessary to deal with them directly.

32.1 In *S.Murali Sundaram's case (supra)*, the Hon'ble Supreme Court held that the review jurisdiction is very limited, that a review cannot become an appeal in disguise, and that an erroneous order may be challenged in appeal but cannot be made the subject-matter of review under Order XLVII Rule 1. The same principle was reiterated in *Perry Kansagra's case (supra)*, where it was observed as follows:

"17. We have gone through both the judgments of the High Court in the instant case and considered rival submissions on the point. It is well settled that an error which is required to be detected by a process of reasoning can hardly be said to be an error apparent on the face of the record. To justify exercise of review jurisdiction, the error must be self-evident. Tested on this parameter, the exercise of jurisdiction in the present case was not correct. The exercise undertaken in the present case, in

our considered view, was as if the High Court was sitting in appeal over the earlier decision ... Even assuming that there was no correct appreciation of facts and law in the earlier judgment, the parties could be left to challenge the decision in an appeal. But the review was not a proper remedy at all."

32.2 These principles are correct and are respectfully followed. The question, however, is not whether the principles are sound, but whether the grounds urged in the present case attract the bar so laid down. In the considered view of this Court, they do not.

32.3 The defect pointed out in *Perry Kansagra's case (supra)* was that the review Court had proceeded as if it were sitting in appeal over the earlier decision, and that what was sought to be corrected there was a wrong appreciation of facts and law on the same material. The position in *S. Murali Sundaram's case (supra)* was no different: the High Court there had substituted one view of the material for another. That is not the exercise which the petitioner asks this Court to undertake, and it is not the exercise which this Court undertakes hereafter.

32.4 To hold otherwise would make the principle in *Yashwant Sinha, Thungabhadra Industries, M.P. Nagaraj and Jamna Kuer's cases (supra)* meaningless, for every judgment

rendered *per incuriam* would then have to be taken in appeal. The two lines of authority are not in conflict: one excludes reappreciation of merits in the guise of review, and the other permits correction where the governing law was left out of consideration altogether. Each has its own field, and the present case falls in the latter.

32.5 It is also necessary to notice the Explanation to Order XLVII Rule 1, which says that the fact that the decision on a question of law on which the judgment is based has been reversed or modified by a later decision of a superior Court in any other case is not a ground for review. That Explanation does not apply here, and it is necessary to record why. This is not a case of a later change in the law. *Rajnesh's case (supra)* was decided on 04.11.2020, *Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh* in 2014, *Manish Jain v. Akanksha Jain* in 2017, and the other decisions relied upon are older still. Every one of them was on the field, binding under Article 141 of the Constitution of India, and directly in point on 15.10.2024 when the order under review was made. The grievance is not that the law has since changed, but that the law as it then stood was not applied.

33. Point (i) is therefore answered by holding that I.A.No.2 of 2024 is maintainable and that the grounds urged in it fall within the scope of Order XLVII Rule 1 read with Sections 114 and 151 of the Code of Civil Procedure, 1908, as those provisions have been construed by the Hon'ble Supreme Court. The preliminary objection raised by the respondent is rejected. It may be added that even if the source of the power were traced not to Order XLVII Rule 1 but to the inherent power of this Court as a Court of record, recognised in *M.M. Thomas v. State of Kerala*⁴¹ and in *Shivdeo Singh v. State of Punjab*⁴², the result would be the same.

(c) The procedural course adopted:

34. Before going further, it is necessary to record the course adopted by this Court, so that no doubt may arise later as to the basis on which these matters have been heard and decided.

34.1 No objection has been raised by the respondent that the review application is barred by limitation, and none arises on the record. The application has been entertained and heard on merits.

34.2 The Contempt Case and the Review Application were heard together. In the course of that hearing, both the petitioner in person and learned counsel for the respondent

⁴¹ (2000) 1 SCC 666

⁴² AIR 1963 SC 1909

addressed this Court at length not only on the maintainability of the review, but also on the merits of the controversy in C.R.P.No.4263 of 2013, that is, on the correctness of the order dated 27.06.2013 passed by the learned Family Court. Neither side sought a further opportunity of hearing if the review were allowed.

34.3 The result is that once this Court recalls the order dated 15.10.2024, C.R.P.No.4263 of 2013 stands restored to the file of this Court, and this Court then deal with it in the exercise of its revisional jurisdiction, on the arguments already advanced. Nothing in this order is passed without both sides having been fully heard on it.

(d) Denial of maintenance to the wife on the ground that she is educated and earning [Point (ii)(a)]

35. The order dated 15.10.2024, in setting aside the interim maintenance of Rs.20,000/- per month awarded to the petitioner/wife by the learned Family Court, proceeds on the footing that the petitioner is educated and is capable of earning. With respect, that footing, by itself, is not a valid basis in law for denying maintenance *pendente lite*; and on the facts of this case it is, in one material respect, incorrect.

35.1 Section 24 of the Hindu Marriage Act, 1955 applies where it appears to the Court that the wife or the husband, as the case may be, has no independent income sufficient for her or his support and for the necessary expenses of the proceeding. The statutory test is therefore the sufficiency of the income actually available, and not the capacity to earn. The provision says nothing about educational qualification, professional standing or earning potential.

35.2 That is the very distinction drawn by the Hon'ble Supreme Court in *Chaturbhuj's case (supra)* and in *Shailja's case (supra)*, between a spouse who is capable of earning and a spouse who is actually earning a sufficient independent income. It has consistently been held that the mere capacity to earn, or even the fact of some earning, does not by itself disentitle a wife to maintenance. What matters is whether the income actually available to her is enough to enable her to maintain herself in keeping with the status of the parties and the standard of living to which she was accustomed in the matrimonial home.

35.3 The point is directly covered by *Manish Jain's case (supra)*, which arose on facts close to those here. There too the trial Court had refused maintenance *pendente lite* under

Section 24 on the ground that the wife was educated and professionally qualified and was said to have sufficient independent income; there too the High Court interfered; and the Hon'ble Supreme Court upheld the grant, holding that the Court must have regard to the income of both spouses and to the status of the parties, and that an applicant who has no permanent source of income is not disentitled merely because she is qualified or employable.

35.4 These considerations apply with greater force on the facts of this case. The petitioner is not, and has not been shown to be, in employment. She is a member of the Bar in independent professional practice. The difference between employment and independent practice is not merely one of name. A person in employment draws a salary which is fixed, regular and capable of proof by a single document. The receipts of an advocate in independent practice are none of these: they are irregular, they vary from year to year, they depend on the briefs that come, and they are subject to the expenses of running a practice. Enrolment at the Bar establishes a qualification and a right to appear. It establishes nothing about income, and still less about

income sufficient for the applicant's support under Section 24.

35.5 It follows that describing the petitioner as 'earning', in the sense in which the order under review uses that word, was not a finding of fact based on material. It was an inference drawn from her professional standing. Whether that inference was in fact right or wrong is not a question on which this Court expresses, or can express, any opinion in these proceedings. What matters here is that the inference was substituted for the enquiry which Section 24 requires.

35.6 In *Amarjit Kaur's case (supra)*, it was held that once the Court finds that the wife has no sufficient independent income for her support, the only discretion left is as to the quantum of maintenance and not as to the entitlement itself. In *Jasbir Kaur Sehgal's case (supra)*, it was held that in fixing maintenance *pendente lite* the Court must consider the status of the parties, the income of the husband, the reasonable needs of the claimant and the standard of living to which she was accustomed, and that where the husband conceals the true particulars of his income, the Court may draw an adverse inference against him. The same principle is reiterated in *Reema Salkan's case (supra)*, and in the

Division Bench decisions of this Court in *G. Eknath Reddy's case (supra)* and *Esha Sharma's case (supra)*.

35.7 Above all, in *Rajnesh's case (supra)*, the Hon'ble Supreme Court laid down a complete framework for deciding maintenance, including the criteria for assessing entitlement and quantum. The order under review does not refer to *Rajnesh's case (supra)* at all, though that decision was rendered on 04.11.2020, nearly four years earlier, was binding under Article 141 of the Constitution of India, and governed the very controversy before the Court.

35.8 It is on this footing that the defect in the order under review must be judged. A perusal of that order does not show any finding as to (i) the income actually received by the petitioner/wife from her professional practice; (ii) whether that income was sufficient for her support, having regard to the status of the parties; or (iii) the income and means of the respondent/husband. In the absence of any such finding, the conclusion that the petitioner is not entitled to maintenance is not merely a conclusion which this Court might now view differently. It is a conclusion reached without reference to the statutory test under Section 24 of the Act of

1955, and without reference to the binding decisions construing that test.

35.9 This Court is conscious that it must not, under the guise of review, substitute its own assessment of the material for that made on 15.10.2024, and it does not do so. It records no finding that the petitioner has, or has not, sufficient independent income; that question remains open. What it holds, and holds only, is that the question was never considered by reference to the test which the statute lays down. The error is thus of the kind described in paragraph 78 of *Yashwant Sinha's case (supra)*, extracted above, namely, a decision rendered in ignorance of the applicable law, and it is apparent on the face of the record. Point (ii)(a) is accordingly answered in favour of the review petitioner.

35.10 The submission of learned counsel for the respondent, noticed in paragraph 25 above, that the petitioner being a practicing advocate has the means to maintain herself and ought not to have been granted maintenance at all, is a submission on the merits. It is open to the respondent to urge it, on proper material, before the learned Family Court. It cannot be accepted here, because it asks for the very reappraisal which this Court has

declined to undertake, and because it does not answer the objection that the enquiry required by the statute was never made.

(e) Restriction of the daughters' entitlement to the date of majority [Point (ii)(b)]:

36. The order under review, while declining to interfere with the maintenance granted to the two daughters, confined the liability of the respondent to arrears accruing only till they attained majority. That restriction, with respect, suffers from the following defects.

36.1 *First*, the order gives no reasons at all for the restriction. The learned Family Court, by its order dated 27.06.2013, had granted maintenance to the daughters pending disposal of O.P.No.1503 of 2010, without any such limit. Adding a limit which the order under revision did not contain, without any discussion of the contentions urged or of the provisions relied upon, makes the order to that extent cryptic and non-speaking. In *Kranti Associates Private Limited's case (supra)*, the Hon'ble Supreme Court held that recording of reasons is an essential part of judicial decision-making and forms part of the principles of natural justice. A conclusion on a contested issue, without any reason in

support and against the party who succeeded below, is itself an error apparent on the face of the record.

36.2 *Secondly*, the restriction is at variance with the undertaking of the respondent, recorded in the very order under review, that he would pay the entire maintenance awarded by the learned Family Court. Once such an undertaking was accepted and recorded, the direction issued ought to have conformed to it. This is the situation dealt with in paragraph 90 of *Board of Control for Cricket in India's case (supra)*, extracted above, where it was held that a mistake on the part of the Court, which includes a mistake in the nature of the undertaking, may itself call for a review. As already observed in paragraph 31.7, the difference between the undertaking recorded and the direction issued is clear from a bare reading of the order and needs no elaborate reasoning.

36.3 *Thirdly*, as regards the contention founded on Sections 3(b), 20 and 21 of the Hindu Adoptions and Maintenance Act, 1956, it is necessary to keep in view the nature of the proceedings from which the present revision arose. I.A.No.918 of 2010 was filed under Section 24 of the Hindu Marriage Act, 1955, seeking interim maintenance not only for the petitioner/wife but also for the two daughters. The

learned Family Court, upon consideration of the material and the circumstances obtaining before it, granted interim maintenance to the petitioner/wife and the daughters by order dated 27.06.2013, expressly pending disposal of O.P.No.1503 of 2010. The order under review, while dealing with the maintenance granted to the daughters, did not examine the claim with reference to the provisions of the Hindu Adoptions and Maintenance Act, 1956, but nevertheless restricted the respondent's liability to the period up to their attaining majority.

36.4 In these circumstances, it is neither necessary nor appropriate, in the exercise of review jurisdiction, to pronounce upon the independent entitlement, if any, of the daughters under Section 20 of the Hindu Adoptions and Maintenance Act, 1956. The question whether an unmarried daughter may enforce a substantive right of maintenance under Section 20(3) of the Act of 1956, and the requirements for enforcing such right, are matters which would arise in appropriate proceedings under that enactment. The decision in *Abhilasha v. Parkash* (supra) was rendered in that context and cannot, in the present proceedings, be understood as requiring this Court to determine an independent claim

under Section 20 of the Act of 1956 when the maintenance granted by the Family Court to the daughters arose in an application under Section 24 of the Hindu Marriage Act, 1955. At the same time, the said decision does not justify the restriction introduced by the order under review, since the defect presently under consideration is not the determination of the daughters' substantive entitlement under the Act of 1956, but the addition, without reasons, of a limitation which was not contained in the order of the learned Family Court and which was also at variance with the undertaking recorded in the order under review. The contentions of both parties regarding any independent entitlement of the daughters under the Act of 1956 are, therefore, left open.

36.5 The contention of learned counsel for the respondent that the daughters have attained majority and are stated to be practicing advocates does not bear on the question now under consideration. That circumstance, if established, may be relevant to the quantum of maintenance and to the period for which it is payable, and may be urged before the learned Family Court in O.P.No.1503 of 2010 or in such proceedings as may be open to the respondent. It cannot, however, supply the reasons which the order under review does not

contain, nor can it justify a limit added contrary to an undertaking recorded by the Court.

36.6 Point (ii)(b) is accordingly answered in favour of the review petitioner in the limited terms stated above. All contentions of both parties as to the entitlement, if any, of the daughters under the Act of 1956 are left open.

(f) Exercise of appellate jurisdiction in the guise of revisional jurisdiction [Point (ii)(c)]:

37. A further defect, and in the view of this Court a fundamental one, attaches to the order under review. The jurisdiction invoked in C.R.P.No.4263 of 2013 was revisional and supervisory. It is well settled, and was restated by the Constitution Bench in *Hindustan Petroleum Corporation Limited's case (supra)*, that a revisional Court does not sit as a Court of first appeal; that its jurisdiction is confined to satisfying itself as to the legality, propriety, regularity and jurisdictional correctness of the order challenged; and that it cannot reverse a finding of fact by reappreciating the evidence merely because a different view is possible on the same material.

37.1 The learned Family Court, by its order dated 27.06.2013, recorded findings on the means of the respondent and on the needs of the petitioner and the daughters, and granted interim maintenance in the exercise

of a jurisdiction expressly conferred on it by Section 24 of the Act of 1955. No perversity and no jurisdictional error in that order is found recorded in the order under review. The setting aside of the maintenance granted to the wife, on a different assessment of her capacity to earn from her professional practice, therefore amounted to a reappreciation of the material on record, and thus to the exercise of a jurisdiction which the revisional forum did not have.

37.2 An error going to the jurisdiction exercised stands on a different footing from an error of appreciation. Where a Court assumes a jurisdiction which it does not have, the resulting order suffers from a defect going to the root of the matter, and such a defect is apparent on the face of the record. It is found not by weighing the material afresh but by comparing what the order did with what the jurisdiction permitted. It is thus an error which, in the words of *Thungabhadra Industries's case (supra)*, stares one in the face and admits of no two opinions. As the order under review was made without reference to *Dilbahar Singh's case (supra)*, which was binding and directly in point, the error also falls within the principle in *Yashwant Sinha's case (supra)*.

37.3 This Court records, with respect, that nothing in this order is to be understood as a reflection on the learned Judge who made the order dated 15.10.2024. The power of review exists precisely because Courts, being human institutions, may inadvertently proceed without noticing the governing law; and the maxim *actus curiae neminem gravabit* — an act of the Court shall prejudice no one — exists to ensure that no litigant suffers by reason of such an inadvertence. Point (ii)(c) is answered in favour of the review petitioner.

(g) Absence of the disclosure of assets and income required by Rajnesh v. Neha [Point (ii)(d)]:

38. The petitioner has urged that the respondent approached this Court without clean hands, by suppressing his assets, his income and his registered residential address contrary to Order VI Rule 14-A of the Code of Civil Procedure, 1908, and has also alleged perjury. This Court records no finding on those allegations. They involve disputed questions of fact requiring investigation, they are not necessary for deciding the review application, and it would not be proper to pronounce on them in a proceeding of this nature. All contentions in that behalf, and the decisions cited in support, are left open, and this Court expresses no opinion either way.

38.1 What is of immediate relevance is a narrower matter. In *Rajnesh's case (supra)*, the Hon'ble Supreme Court directed that an Affidavit of Disclosure of Assets and Liabilities in the prescribed format be filed by the parties in all maintenance proceedings, including pending proceedings, and held that the comparative financial position of the parties is to be assessed on that basis. The record before this Court does not show that any such affidavit was called for or was placed before the Court before the order under review was passed.

38.2 This Court is careful not to place that circumstance higher than it deserves. The directions in *Rajnesh's case (supra)* were addressed, in terms, to the Family Court, the District Court and the Magistrate's Court before whom maintenance proceedings are filed. The absence of such an affidavit before the revisional forum is not, by itself, a jurisdictional defect vitiating the order under review. This Court does not so hold, and point (ii)(d) is not treated as an independent and self-sufficient ground of review.

38.3 The circumstance is, however, significant in a different way. It shows that when the order under review came to displace the finding of the learned Family Court on the comparative means of the parties, it did so on a record which

did not contain the very material which the Hon'ble Supreme Court has held to be the basis of such an assessment. That is of particular weight here, where the income sought to be attributed to the petitioner is the fluctuating income of an independent professional practice, which no document short of a disclosure on oath could establish. It therefore supports, rather than founds, the conclusions already recorded on points (ii)(a) and (ii)(c). Point (ii)(d) is answered in these terms.

(h) The cumulative effect of the findings on point (ii):

39. It is necessary to state how the above conclusions stand in relation to one another, so that the basis of this order is clear.

39.1 The grounds found established under points (ii)(a), (ii)(b) and (ii)(c) are independent of one another. Each rests on a distinct defect and each would, by itself, be enough to sustain the exercise of the review jurisdiction. The finding under point (ii)(c) — that the revisional forum reappreciated material which the limits of that jurisdiction did not permit — is by itself decisive, and would remain so even if the conclusions on points (ii)(a) and (ii)(b) were not accepted by a higher forum. Point (ii)(d), as already stated, is not treated as an independent ground at all.

39.2 Each of the defects so found is clear from a bare reading of the order under review together with the record, and none of them requires a long-drawn process of reasoning to detect. Each therefore answers the description of an error apparent on the face of the record under the second ground in Order XLVII Rule 1, as that ground has been construed in *Thungabhadra Industries, Meera Bhanja and Kamlesh Verma's cases (supra)*; and the maxim *actus curiae neminem gravabit* applies.

39.3 This Court has throughout been careful not to reweigh the material. It has not held that the petitioner is entitled to maintenance on a fresh assessment of her means; it has held that her entitlement was denied without the assessment which the law requires. It has not held that the daughters are entitled to maintenance beyond majority; it has held that a limit to that effect was added without reasons and against a recorded undertaking. The distinction is not a formal one. It is the line which separates review from appeal, and this Court has been careful to stay on the correct side of it.

(i) The consequential order in the Civil Revision Petition

[Point (iii)]:

40. The next question is what order should follow once the order dated 15.10.2024 is reviewed and set aside. The petitioner prays

that C.R.P.No.4263 of 2013 be dismissed and the order dated 27.06.2013 passed by the learned Family Court be confirmed. For the reasons that follow, this Court is of the view that this prayer should be granted.

40.1 The findings recorded on point (ii) do not leave the merits of the Civil Revision Petition open. On the contrary, they conclude those merits. The finding on point (ii)(c) is that the learned Family Court, by its order dated 27.06.2013, exercised a jurisdiction expressly conferred on it; that its findings on the means of the respondent and on the needs of the petitioner and the daughters were neither perverse nor vitiated by any jurisdictional error; and that the revisional forum, on the parameters laid down in *Dilbahar Singh's case (supra)*, had no jurisdiction to disturb them. Once that is so, it follows that no ground existed for interference with the order dated 27.06.2013 in revision, and that C.R.P.No.4263 of 2013, was liable to be dismissed.

40.2 The findings on point (ii)(a) lead to the same result by another route. On the correct legal test being applied — that is, the test under Section 24 of the Hindu Marriage Act, 1955 as construed in *Rajnesh, Manish Jain, Chaturbhuj, Shailja, Amarjit Kaur* and *Jasbir Kaur Sehgal, Dehradun's cases*

(*supra*) — the fact that the petitioner/wife is educated and is a member of the Bar in independent practice is, by itself and without more, no ground in law for setting aside the interim maintenance granted to her. As the ground on which the revisional interference proceeded is not sustainable in law, and no other ground was found to exist on the record, the Civil Revision Petition must fail.

40.3 Likewise, the finding on point (ii)(b) shows that the limit confining the entitlement of the daughters to the date of their attaining majority was added without reasons and contrary to the undertaking of the respondent recorded in the same order. That limit cannot stand, and the order dated 27.06.2013, which contained no such limit, must remain as it was made.

40.4 It was suggested that the proper course would be to restore the Civil Revision Petition to the file for fresh consideration. This Court is unable to adopt that course, for three reasons. *First*, a remand is unnecessary: the conclusions on point (ii) leave no question open for fresh consideration in revision, as the very basis of the revisional interference has been found unsustainable both on jurisdiction and on the legal test applied. *Secondly*, both

parties have already been heard on the merits of the Civil Revision Petition, as recorded in paragraph 34 above, and neither has sought a further hearing. *Thirdly*, the order under revision is an order of interim maintenance in a proceeding filed in the year 2010 which is still pending, the Civil Revision Petition itself being of the year 2013. A remand after such a long time would only prolong the litigation which has already kept the petitioner and the daughters out of interim maintenance for well over a decade, and would defeat the object of Section 24 of the Act of 1955, which is to provide immediate interim support to a spouse who has no sufficient independent income, pending decision of the main proceeding.

40.5 The contention of learned counsel for the respondent based on the order in CrI.P.No.4507 of 2011, and on the dismissal of the Special Leave Petition and of the Review Petition arising from it, has been considered and cannot be accepted. That order quashed criminal proceedings filed by the petitioner on a finding that they were an abuse of the process of law. Whatever the effect of that finding in its own field, it does not take away a statutory entitlement to interim maintenance under Section 24 of the Act of 1955, nor does it

excuse the failure to apply the governing law in the order under review. The conduct of a litigant in other proceedings may be relevant to the grant of discretionary relief; it does not make an order passed in ignorance of binding law immune from review.

40.6 It is made clear that the order dated 27.06.2013 is, and always was, an order of interim maintenance operating till the disposal of O.P.No.1503 of 2010. Its confirmation by this order restores it in the terms in which the learned Family Court made it, this Court neither adding to nor taking away from those terms. The confirmation carries no opinion whatever on the final rights of the parties, which shall be decided by the learned Family Court in the Original Petition on its own merits and in accordance with law, uninfluenced by anything said here.

40.7 Point (iii) is accordingly answered by holding that C.R.P.No.4263 of 2013 is liable to be dismissed and that the order dated 27.06.2013 is liable to be confirmed.

(j) Whether the contempt case survives for adjudication

[Point (iv)]:

41. Contempt Case No.2792 of 2025 was filed alleging willful and deliberate disobedience of the directions in the order dated

15.10.2024 passed in C.R.P.No.4263 of 2013. The foundation of the contempt case is therefore that order and that order alone.

41.1 As that order has been reviewed and set aside for the reasons recorded above, the foundation of the contempt case no longer exists. A contempt proceeding based on an order which no longer exists cannot be taken to adjudication, and the question whether the respondent willfully disobeyed the directions in it no longer arises. It would not be proper for this Court to record any finding, one way or the other, on the allegation of willful disobedience of an order which no longer holds the field.

41.2 This Court accordingly records no finding on the contention of the petitioner that no payment was made within the two months given in the order dated 15.10.2024, nor on the contention of the respondent that the entire arrears were discharged by the demand drafts given on 06.11.2025 and 14.11.2025. All contentions of both parties in that behalf are left open. It is clarified that the closure of the contempt case is neither a finding that contempt was committed nor an exoneration of the respondent. It is only the consequence of the order on which the proceeding was founded having ceased to exist.

41.3 As to the sums of Rs.12,00,000/- and Rs.20,10,000/- already received by the petitioner subject to her objections, those payments do not lapse along with the order under which they were made. They were made towards the maintenance liability of the respondent, and they shall be given credit for in computing his liability under the order dated 27.06.2013 as confirmed by this order. Receipt of those sums subject to objection shall not be treated as an acknowledgment of full satisfaction, and the petitioner's contention that a larger sum is still due is left open, to be worked out in the manner directed below.

41.4 Point (iv) is therefore answered by holding that Contempt Case No.2792 of 2025 does not survive for adjudication and is liable to be closed, without any finding on the allegation of willful disobedience, and with liberty to the petitioner to initiate such proceedings as may be available to her in accordance with law, including proceedings under the Contempt of Courts Act, 1971, in the event of any default by the respondent in complying with the order dated 27.06.2013 as confirmed by this order.

V. CONCLUSION

42. For the foregoing reasons, this Court records its conclusions on the points framed for consideration as follows:

42.1 Point (i) is answered in favour of the review petitioner.

I.A.No.2 of 2024 is maintainable, and the grounds urged in it fall within the scope of Order XLVII Rule 1 read with Sections 114 and 151 of the Code of Civil Procedure, 1908, as construed in *Kamlesh Verma, Thungabhadra Industries Ltd., Aribam Tuleshwar Sharma and Meera Bhanja v. Nirmala Kumari Choudhury's cases (supra)*. The objection based on *S. Murali Sundaram and Perry Kansagra's cases (supra)* is rejected, as those decisions are directed against a reappraisal of merits in the guise of review, which is neither what the present application seeks nor what this order does.

42.2 Point (ii) is answered in the affirmative and in favour of the review petitioner. The order dated 15.10.2024 suffers from errors apparent on the face of the record, in that —

(a) it denied the petitioner/wife maintenance *pendente lite* on the sole ground that she is educated and earning — though she is not in employment but is a member of the Bar in independent professional

practice — without recording any finding as to the income actually received by her, as to the sufficiency of that income, or as to the means of the respondent, and without referring to Section 24 of the Hindu Marriage Act, 1955 as construed in *Rajnesh, Manish Jain, Chaturbhuj, Shailja, Amarjit Kaur and Jasbir Kaur Sehgal's case (supra)*;

(b) it restricted the entitlement of the daughters to the date of their attaining majority — a limit not contained in the order under revision — without giving any reason, and contrary to the undertaking of the respondent recorded in the same order, a situation covered by paragraph 90 of *Board of Control for Cricket in India (supra)*; and

(c) it interfered with the findings of the learned Family Court by reappreciating the material on record, in excess of the revisional jurisdiction as laid down in *Hindustan Petroleum Corporation Ltd. (supra)*.

42.3 Point (ii)(d) is answered by holding that the absence of the Affidavit of Disclosure of Assets and Liabilities required by *Rajnesh's case (supra)* is not, by itself, an independent

ground of review, but supports the conclusions recorded on points (ii)(a) and (ii)(c). Each of the grounds set out in paragraph 42.2 is independent of the others and is by itself enough to sustain the exercise of the review jurisdiction.

42.4 Point (iii) is answered by holding that, on the conclusions recorded on point (ii), no ground survives for interference with the order dated 27.06.2013 in revision. C.R.P.No.4263 of 2013 is accordingly liable to be dismissed and the order dated 27.06.2013 is liable to be confirmed. No case is made out for restoring the Civil Revision Petition to the file for fresh consideration.

42.5 Point (iv) is answered by holding that, the order dated 15.10.2024 having been set aside, Contempt Case No.2792 of 2025 does not survive for adjudication and is liable to be closed, without any finding on the allegation of willful disobedience, and with liberty to the petitioner as stated above.

43. It is made clear that the findings recorded above are confined to the entitlement of the petitioner and the daughters to interim maintenance pending disposal of O.P.No.1503 of 2010, and shall not be treated as an expression of opinion on the final rights of the

parties, which shall be decided by the learned I Additional Family Court, Hyderabad, on its own merits and in accordance with law, uninfluenced by anything said in this order.

VI. RESULT

44. Point (v) is answered as follows. In the result:

44.1 I.A.No.2 of 2024 in C.R.P.No.4263 of 2013 is allowed. The order dated 15.10.2024 passed by this Court in C.R.P.No.4263 of 2013 is reviewed, recalled and set aside.

44.2 Consequently, C.R.P.No.4263 of 2013 is dismissed, and the order dated 27.06.2013 passed by the learned I Additional Family Court, Hyderabad, in I.A.No.918 of 2010 in O.P.No.1503 of 2010 is confirmed, that being an order of interim maintenance operating according to its own terms till the disposal of the Original Petition.

44.3 The respondent/husband shall, within four weeks from the date of receipt of a copy of this order, file before the learned I Additional Family Court, Hyderabad, a statement showing the maintenance payable under the order dated 27.06.2013, the payments made from time to time, and the balance admitted to be due, supported by an affidavit and by an Affidavit of Disclosure of Assets and Liabilities in the

format prescribed in *Rajnesh's case (supra)*. The petitioner shall be at liberty to file her objections within two weeks of receipt of that statement.

44.4 Credit shall be given for the sums of Rs.12,00,000/- and Rs.20,10,000/- paid on 06.11.2025 and 14.11.2025 respectively, totaling Rs.32,10,000/-, in computing the liability of the respondent under the order dated 27.06.2013.

44.5 The respondent/husband shall pay the arrears of maintenance so ascertained within eight weeks from the date of their ascertainment, and shall thereafter continue to pay the monthly maintenance regularly, month by month, till the disposal of O.P.No.1503 of 2010. Any dispute as to the computation of arrears shall be decided by the learned I Additional Family Court, Hyderabad, in accordance with law.

44.6 Contempt Case No.2792 of 2025 is closed, no finding having been recorded on the allegation of willful disobedience. Liberty is granted to the petitioner to initiate such proceedings as may be available to her in accordance with law, including proceedings under the Contempt of Courts Act, 1971, in the event of any default by the

respondent in complying with the order dated 27.06.2013 as confirmed by this order.

44.7 All contentions of both parties as to the entitlement, if any, of the daughters under the Hindu Adoptions and Maintenance Act, 1956, and as to the allegations of suppression and perjury, are left open, this Court having expressed no opinion on them.

44.8 As O.P.No.1503 of 2010 has remained pending since the year 2010, the learned I Additional Family Court, Hyderabad, is requested to dispose of the same as expeditiously as possible, uninfluenced by anything said in this order.

44.9 There shall be no order as to costs.

Miscellaneous applications, if any, pending in either of the matters shall stand closed.

VAKITI RAMAKRISHNA REDDY, J

Date: 24.07.2026
AS