



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2015

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Civil Miscellaneous Appeal (MD) No.1366 of 2015

and

M.P (MD) No.2 of 2015

P.Deepa

... Appellant/Petitioner/Respondent

Vs.

B.Karthick

... Respondent/Respondent/Petitioner

Appeal filed under Section 28 of the Hindu Marriage Act against the order of dismissal of I.A.No.364 of 2015 in H.M.O.P.No.49 of 2015, dated 04.11.2015 on the file of the Additional District Judge, Family Court, Tirunelveli.

For Appellant : Mr.S.Mani

For Respondent : Mr.N.Tamil Mani

JUDGMENT

(Judgment of the Court was delivered by N.KIRUBAKARAN,J)

The wife has come up before this Court by way of this appeal aggrieved by the dismissal of maintenance application filed by her seeking a sum of Rs.50,000/- towards legal expenses and Rs.10,000/- towards monthly maintenance till the disposal of the H.M.O.P.

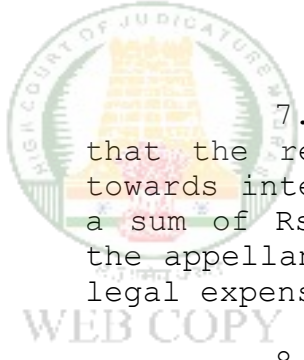
2.The appellant got married the respondent on 31.05.2012. After the marriage dispute started among themselves and subsequently, the appellant became pregnant and got delivered a male child. Even after the delivery of the child, the respondent has not come forward to take the wife to her matrimonial home. Thereafter, the respondent filed a divorce petition in H.M.O.P.No.825 of 2014 before the Family Court, Madurai. Though the said petition was originally filed before the Family Court, Madurai on 24.11.2014, it got transferred to the Family Court, Tirunelveli.

3.The allegation against the appellant by the respondent is cruelty and she is not willing to live with him.

4.Pending disposal of the above H.M.O.P, the appellant filed a petition for interim maintenance and the same was dismissed. Challenging the said order, the present appeal has been filed.

5.Heard the learned counsel on either side.

6.The trial Court taking note of the fact that both are professionally qualified and by making certain observations against the appellant/wife dismissed the petition filed by the appellant.



7. Since the learned counsel for the respondent fairly submitted that the respondent is ready and willing to pay Rs.5,000/- per month towards interim maintenance, it is proper to direct the respondent to pay a sum of Rs.5,000/- on or before 7th of every English calendar month to the appellant. The respondent shall also pay a sum of Rs.25,000/- towards legal expenses within a period of four weeks to the appellant.

8. The trial Court is directed to dispose of the H.M.O.P itself within a period of six months from the date of receipt of a copy of this order.

9. In the result, the Civil Miscellaneous Appeal is disposed of. No costs. Consequently, M.P(MD)No.2 of 2015 is closed.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To
The Additional District Judge,
Family court, Tirunelveli

+1 CC to Mr.N.Tamilmani, Advocate, SR No.71694
+1 CC to Mr.S.Mani, Advocate, SR No.72242

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