

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2016

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

CRP.PD.No.4653 of 2011

and

M.P.No.1 of 2011

1.Hemavathi

2.Minor.Kirankumar

Minor rep. by mother and
natural guardian, Hemavathy

.. Petitioners

Vs.

S.Velu

..Respondents

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order dated 10.08.2011 made in I.A.No.39 of 2011 in HMOP.No.11 of 2007 for fixing proper maintenance and litigation expenses for the petitioners.

For Petitioners :Mr.Sankaranarayanan
for M/s.G.Kathirvelu

For Respondent :Mr.T.P.Prabakaran

ORDER

This Civil Revision Petition has been filed by the revision petitioners against the order dated 10.08.2011 made in I.A.No.39 of 2011 in HMOP.No.11 of 2007 on the file of the learned Subordinate Judge, Ranipet.

2. The respondent filed a petition in HMOP.No.11 of 2007 u/s.13(1) & (b) of the Hindu Marriage Act, before the learned Subordinate Judge, Ranipet, seeking dissolution of marriage against the first revision petitioner.

3. Pending disposal of the HMOP.No.11 of 2007, the revision petitioners, who are the wife and minor son of the respondent herein filed an application in I.A.No.39 of 2011 u/s.24 of Hindu Marriage Act under Section 151 of CPC praying to grant interim maintenance of Rs.15,000/- per month from the date of filing of the HMOP till the disposal of the HMOP and also litigation expenses of Rs.15,000/-.

4. The respondent herein has also filed a counter affidavit in the above said I.A.No.39 of 2011 before the Subordinate Court, Ranipet.

5. After hearing the learned counsel appearing for the parties and taking into account the fact that the first revision petitioner and the respondent were employed, the learned Subordinate Judge, Ranipet, passed orders, on 10.08.2011, in I.A.No.39 of 2011 directing the respondent herein to pay a sum of

Rs.1,000/-(Rupees One Thousand only) per month towards maintenance of his son from the date of that Application and negated the claim of interim maintenance in respect of the wife/1st revision petitioner by holding that she was capable of maintaining herself. It is pertinent to note that no oral and documentary evidence was adduced by both the parties in respect of their earnings. Aggrieved by this fair and final order, petitioners herein have preferred the present Civil Revision Petition.

6. Heard Mr.Mr.Sankaranarayanan, learned counsel for the revision petitioners and Mr.T.P.Prabakaran, learned counsel for the respondent.

7. The learned counsel for the revision petitioners, during the course of his argument, has submitted that in order to show his bonafide, the respondent shall pay interim maintenance to the second petitioner as ordered by the Court below.

8. Learned counsel for the respondent has fairly submitted that the respondent is willing to pay an additional sum of Rs.1,000/-(Rupees One Thousand only) along with a sum of Rs.1000/- per month ordered by the trial court from 01.04.2016

as interim maintenance for the second revision petitioner pending disposal of the HMOP.

9. The learned counsel for the revision petitioners also agreed for the said interim maintenance till pending disposal of the HMOP.

10. Considering the facts and circumstances of the case and to meet the ends of justice, this Court is inclined to pass the following orders:

(a) The respondent herein is directed to pay a sum of Rs.1,000/- (Rupees One Thousand only) per month towards interim maintenance as directed by the Subordinate Court, Ranipet, in I.A.No.39 of 2011 from the date filing of the Interlocutory Application till 30.03.2016 which shall be paid on or before 15th May, 2016. Further, the respondent is directed to continue to pay a sum of Rs.1,000/- (Rupees One Thousand only) as ordered by the Trial Court along with an additional sum of Rs.1,000/- as agreed now, totally a sum of Rs.2,000/- per month towards interim maintenance to the 2nd petitioner from 01.04.2016 till the pending disposal of HMOP on or before 05th of every English Calendar month.

(b) The Subordinate Court, Ranipet, is hereby directed to dispose of HMOP.No.11 of 2007 on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order.

11. With the above directions, the Civil Revision Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

13.04.2016

Index : Yes/No

Internet: Yes/No

gv

To

The Subordinate Court, Ranipet.

D.KRISHNAKUMAR,J.

gv

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