

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2016

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

C.R.P.(PD) No. 3123 of 2016

And

C.M.P.No. 15869 of 2016

S.Baskar ... Petitioner/Respondent/Petitioner

Versus

B.Geetha ... Respondent/Petitioner/Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the Fair and final order dated 16.06.2016 made in I.A.No. 4 of 2012 in H.M.O.P.No. 76 of 2011 on the file of Subordinate Judge, Sankari.

For Petitioner : Mr.P.Saravana Sowmiyan

O R D E R

The petitioner filed a petition for divorce in H.M.O.P.No. 76 of 2011 before the Subordinate Court, Sankari. In the said matrimonial proceedings, the respondent filed an application for interim maintenance. The learned Judge,

taking into account the background facts, directed the petitioner to pay a sum of Rs.5,000/- towards litigation expenses and a sum of Rs.2,500/- each to the respondent and her minor child, towards maintenance. The said order is under challenge in this Civil Revision Petition.

2. The learned counsel for the petitioner submitted that the petitioner is without employment and as such, it would not be possible for him to pay the amount.

3. The proceedings in H.M.O.P.No. 76 of 2011 was filed by the petitioner praying for a decree of divorce. The respondent having found that it would not be possible for her to defend the proceedings and maintain herself and the minor child, filed an interim application in I.A.No. 4 of 2012 for litigation expenses and maintenance. The trial Court directed the petitioner to pay a sum of Rs.5,000/- towards litigation expenses. The respondent was given a sum of Rs.2,500/- towards maintenance. Another sum of Rs.2,500/- was awarded to the minor child. In view of the escalating cost of essential items and cost of living index, I do not find any error or illegality in the order. I am, therefore of the view that there is absolutely no merit in the contention taken by the petitioner.

4. The Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

03.10.2016

vsg

To

Subordinate Court, Sankari.

K.K.SASIDHARAN. J.

v s g

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