

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14.12.2016

Coram

The Honourable MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.PD.No.3862 of 2016

and

C.M.P.No.19656 of 2016

A.Nirmal Kumar

... Petitioner

vs.

M.Esther Sagaya Rani @ Rani

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order passed in I.A.No.20 of 2016 in D.O.P.No.150 of 2015 dated 17.10.2016 by the Additional Principal Family Court, Coimbatore.

For Petitioner

: Mr.S.B.Viswanathan

ORDER

The petitioner-husband in a matrimonial proceedings, has filed this revision against the award of litigation expenses to his wife. The respondent-wife had filed an application in I.A.No.20 of 2016 in D.O.P.No.150 of 2015 for interim maintenance and litigation expenses.

Her claim itself is for Rs.15,000/- for interim maintenance and Rs.15,000/- towards litigation expenses.

2. The learned Additional Principal Judge, Family Court, Coimbatore had found that the petitioner-husband does not have any job and income had rightly dismissed the application for maintenance. However, the litigation expenses was ordered at Rs.25,000/-. When the petition filed by the respondent-wife itself is only for claim of Rs.15,000/-, the learned Judge ought not to have ordered Rs.25,000/-,

3. This Court is of the view that the revision petitioner-husband can pay a sum of Rs.15,000/- as prayed for by the respondent-wife towards litigation expenses, since it is only a litigation expenses payable to the wife, who is compelled to the Court. Therefore, the order of the learned Additional Principal Judge is modified as indicated above.

4. Accordingly, the Civil Revision Petition is disposed of, directing the petitioner-husband to pay a sum of Rs.15,000/- (Rupees

fifteen thousand only) towards litigation expenses within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

14.12.2016

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To

The Additional Principal Judge, Family Court,
Coimbatore.

PUSHPA SATHYANARAYANA.J

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