



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P (MD) No.1111 of 2016 (PD)

and

CMP. (MD) .No.5592 of 2016

Muthuselvi

.. Petitioner

Vs.

Muthukrishnan

.. Respondent

Prayer : This Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decretal order passed in I.A.No.8 of 2015 in H.M.O.P.No.235 of 2013, dated 24.03.2016 on the file of the Additional Sub Court, Tirunelveli.

For Petitioner : Mr.D.Srinivasaragavan

For Respondent : Mr.Arjun Varman
for T.Lajapathi Roy

ORDER

This revision arises out of the order passed by the learned Sub Judge, Tirunelveli in I.A.No.8 of 2015 in H.M.O.P.No.235 of 2013.

2. The respondents filed the HMOP against the petitioner under Section 13(i), 13(i-a) and 13(i-b) of the Hindu Marriage Act, 1955. In the petition, an application was filed by the petitioner under Section 24 of the Hindu Marriage Act, seeking Rs.1,25,000/- towards litigation expenses. Since the application was dismissed, the present revision is filed.

3. Heard the learned counsel for the petitioner as well as the respondent and perused the records.

4. Mr.D.Srinivasaragavan, learned counsel for the petitioner would submit that admittedly, the petitioner is the wife of the respondent and she has been facing about 12 cases filed by the respondent and in order to contest all the cases, she needs money.



5. It is further submitted that in paragraph.5 of the counter filed to HMOP, she has stated about the cases filed by the respondent against her. However, the learned Additional Sub Judge dismissed the application holding that the documents produced by the respondent revealed that so many immovable properties in and around Tuticorin have been purchased in the name of the petitioner. The reason assigned by the Trial court is not sustainable in law and therefore it has to be set aside by this Court.

6. Per contra learned counsel for the respondent would submit that Section 24 of Hindu Marriage Act provides of payment of interim maintenance and litigation expenses, who has no means. The petitioner, who is working as a teacher in a private school has deliberately suppressed material facts in the application; that the children of the petitioner have been studied in CBSE school, that when the respondent was in abroad, he transferred more than Rs.1.5 Crores in the joint account maintained by the petitioner and the respondent, and that so far, she has not given any account for the money.

7. It is the case of the respondent that the petitioner had withdrawn the entire amount from the joint account to purchase immovable properties in her name and in the name of her parents and subsequently she had also put up construction. Further, she has let it out for residential and non-residential purpose and she is earning more than Rs.7 lakhs towards rental income. The Trial court having found that the petitioner has means, dismissed the application.

8. As rightly contended by the learned counsel for the respondent, the documents marked as Ex.R1 to R18 reveal that immovable properties have been purchased in the name of the petitioner and her parents. The petitioner has also suppressed her employment and her earning in the affidavit.

9. Taking into consideration of all these aspects, the Trial court dismissed the application. I do not find any illegality or irregularity in the order impugned. Hence, this Civil Revision Petition is dismissed. No Costs. Consequently connected M.P. is closed.

Sd/-
Assistant Registrar(AS)

/True copy/



To
The Additional Sub Judge,
Tirunelveli.

+lcc to MR.D.Srinivasaraghavan, Advocate SR.No.29940
+lcc to Mr.T.Lajapathi Roy, Advocate SR.No.30022

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& CMP. (MD) .No.5592 of 2016