

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.03.2018

Coram

THE HON'BLE MR.JUSTICE **A.SELVAM**
AND
THE HON'BLE MR.JUSTICE **P.KALAIYARASAN**

C.M.A.Nos.533 and 534 of 2018
and
C.M.P.Nos.4719 and 4751 of 2018

V.Yuvaraj

... Appellant in both
the appeals

vs.

S.Poornima

... Respondent in
both the appeals

This Civil Miscellaneous Appeals are filed under Section 19 of the Family Court Act, 1984, against the common order dated 30.01.2018 passed by the VI Additional Family Court, Chennai, in I.A.Nos.1960 of 2017 and 1961 of 2017 in O.P.No.1471 of 2015.

For Appellant : Mr.Adinarayana Rao

For Respondent: Mr.R.Thiagarajan

COMMON JUDGMENT

(Judgment of the Court was passed by A.SELVAM.J.)

These Civil Miscellaneous Appeals have been directed against the common order dated 30.01.2018 passed in

I.A.Nos.1960 of 2017 and 1961 of 2017 in O.P.No.1481 of 2015, by the VI Additional Family Court at Chennai.

2.The respondent herein, as petitioner, has filed O.P.No.1481 of 2015, on the file of the trial Court, praying to pass a decree of divorce, wherein, the appellant has been shown as sole respondent.

3.During pendency of the same, the respondent herein, as petitioner, has filed I.A.No.1960 of 2017 praying to pass an order of interim monthly maintenance; likewise, she has filed I.A.No.1961 of 2017 for getting litigation expenses. The trial Court, after considering the available evidence on record, has partly allowed both the petitions and thereby directed the respondent therein to pay interim monthly maintenance of Rs.10,000/- and Rs.20,000/- towards litigation expenses, by way of passing a common order and the same are being challenged in the present Civil Miscellaneous Appeals.

4.The learned counsel appearing for the appellant/respondent has contended to the effect that the appellant/respondent is always ready to conduct O.P.No.1481 of

2015 and the respondent/petitioner has adopted dilating tactics in conducting O.P.No.1481 of 2015 and further, she has unnecessarily filed I.A.Nos.1960 and 1961 of 2017 and the trial Court, even without considering the *modus operandi* of the respondent/petitioner, has erroneously passed the impugned common order and under the said circumstances, these Civil Miscellaneous Appeals have been filed and therefore, the common order passed by the trial Court is liable to be set aside.

5.The learned counsel appearing for the respondent/petitioner has contended that I.A.No.1960 of 2017 has been filed for getting interim monthly maintenance and I.A.No.1961 of 2017 has been filed for getting litigation expenses and the trial Court, after considering the overall circumstances available on record, has directed the appellant/respondent to pay an interim monthly maintenance of Rs.10,000/- and Rs.20,000/- towards litigation expenses, by way of passing the common order and the same does not call for any interference.

6.It is an admitted fact that O.P.No.1481 of 2015 has been filed by the respondent/petitioner for getting a decree of divorce. During pendency of the same, the petitions in question

have been filed. As mentioned supra, the trial Court, after considering the available evidence on record, has directed the appellant/respondent to pay an interim monthly maintenance of Rs.10,000/- and Rs.20,000/- towards litigation expenses by way of passing common order.

7.The main grievance expressed on the side of the appellant/respondent is that he is not having sufficient money to pay the quantum of amounts fixed by the trial Court.

8.Considering the fact that the respondent/petitioner is the legally wedded wife of the appellant/respondent and also considering that by way of allowing I.A.No.1960 of 2017, the trial Court has directed the appellant/respondent to pay a meager sum of Rs.10,000/- per mensem as interim monthly maintenance and also considering that I.A.No.1961 of 2017 has been filed for getting litigation expenses, wherein, the trial Court has directed the appellant/respondent to pay a sum of Rs.20,000/-, this Court is of the view that the amounts fixed by the trial Court are not excessive and further, the trial Court can be directed as stated infra.

In fine, both the Civil Miscellaneous Appeals are dismissed without costs and the common order passed in I.A.Nos.1960 and 1961 of 2017 in O.P.No.1481 of 2015, by the trial Court, is confirmed. However, the trial Court is strictly directed to dispose of O.P.No.1481 of 2015 before the end of June, 2018 and both parties are strictly directed to give unstinted cooperation to the trial Court for disposing of O.P.No.1481 of 2015 and the trial Court is directed to report the disposal to the Registry without fail. Connected miscellaneous petitions are dismissed.

(A.S.,J.)

(P.K.,J.)

06.03.2018

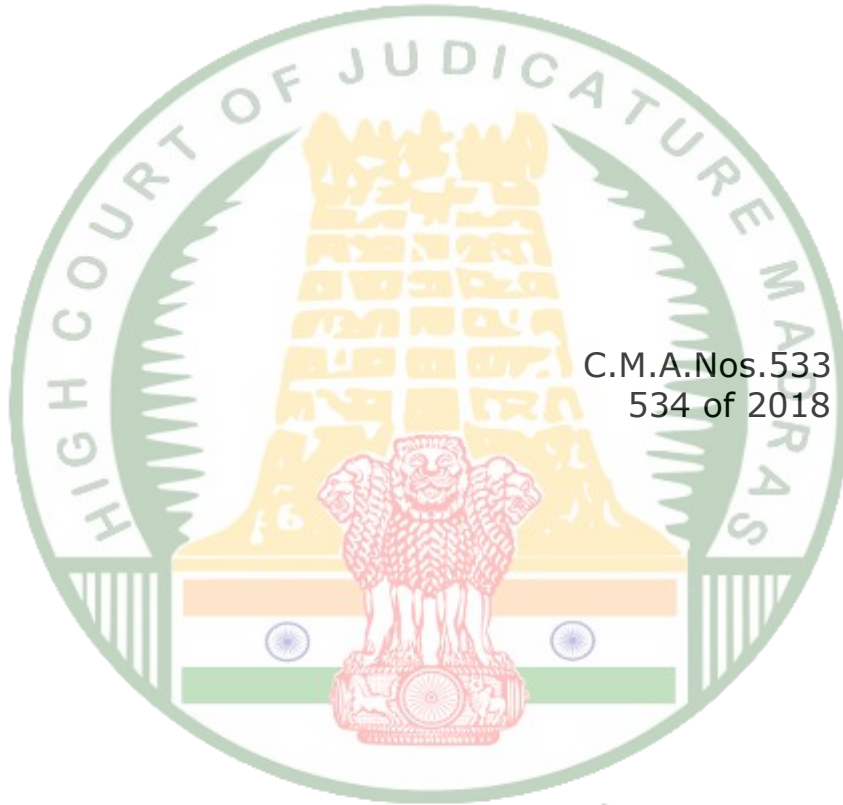
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To
The VI Additional Family Court, Chennai

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and
P.KALAIYARASAN, J.

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C.M.A.Nos.533 and
534 of 2018

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