



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 07.02.2018

Delivered on : 22.03.2018

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CORAM :

THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

C.R.P.(PD)(MD)No.495 of 2011

and

M.P.(MD)No.1 of 2011

N.Jayanthimathi

...Petitioner/Petitioner/Petitioner

vs.

K.Chandrasekaran

... Respondent/Respondent/Respondent.

PRAYER: Petition filed under Section 227 of the Constitution of India, against the order passed in I.A.No.458 of 2010 in H.M.O.P.No.135 of 2008 dated 27.12.2010 on the file of the Family Court, Madurai.

For Petitioner : Mr.V.Chandrasekar

For Respondent : No Appearance

ORDER

This petition has been filed against the order passed in I.A.No.458 of 2010 in H.M.O.P.No.135 of 2008 dated 27.12.2010 on the file of the Family Court, Madurai.

2. I.A.No.458 of 2010 in H.M.O.P.135 of 2008 was filed by the petitioner/wife seeking a direction to the respondent/husband to pay Rs.7,000/- for her maintenance and her children, calculating from April 2008 and a sum of Rs.10,000/- towards litigation expenses of the proceedings.

3.The Family Court observed that the petitioner and the respondent are wife and husband. Out of the wedlock, they have two children aged about 9 and 7 years and the respondent/husband has filed a petition for divorce. On assessing the evidence and the facts placed by both sides and considering the plight of the petitioner and her children for maintaining herself and her children and also to meet out the litigation expenses, the Family Court has directed the respondent to pay a sum of Rs.750/- to each children towards their educational and other expenses and to pay a sum of Rs.500/- to the petitioner towards her maintenance and to pay a sum



of Rs.2000/- towards litigation expenses and it was ordered that the said sum to be paid from the date of the petition.

4.This Civil Revision Petition has been filed by the petitioner/wife stating that the application for interim maintenance has been disposed of, even after a lapse of two years and the respondent/husband has not paid any amount as ordered by the Family Court whereas the Family Court is pressurizing the respondent to conclude the trial.

5.It is seen from the records that H.M.O.P was filed in the year 2008 by the respondent against the petitioner and in the year 2010, I.A.No.458 of 2010 was filed seeking maintenance to her and for her minor children. The said petition was ordered on 20.07.2010. The petitioner has stated that I.A.No.458 of 2010 for maintenance has been ordered only after two years from the date of filing H.M.O.P.

6. Even though I.A.No.458 of 2010 has been ordered on 2010, the respondent/husband has not complied with the order of the Family Court and the Family Court is now proceeding to dispose of the said H.M.O.P. It is also observed that the amount of maintenance has to be paid from the date of filing of the petition. It was also observed that the petitioner has filed I.A only after two years and hence, in view of the sufferings faced by the petitioner in bringing the children and also maintaining herself along with litigation expenses which has to be considered and hence the petition filed for interim maintenance was granted.

7.Aggrieved against the order of the Family Court, the petitioner has come forward with this Civil Revision Petition contending that the amount awarded by the Family Court namely, Rs.1,500/- towards the educational and other expenses of the two minor children and Rs.500/- towards the maintenance of the petitioner and Rs.2,000/- towards litigation expenses is very low and therefore, the same is liable to be set aside.

8.On perusal of the records it could be seen that the Family Court has awarded a sum of Rs.750/- to each children and Rs.500/- to the petitioner and Rs.2,000/- towards litigation expenses. In my considered view, the amounts are very much low, considering the inflation of price and also considering the educational expenses. Hence, the interim maintenance awarded by the Family Court is hereby modified to the effect that a sum of Rs.1,000/- is awarded to each children towards their educational and other expenses and Rs.1000/- is awarded to the petitioner towards her maintenance and Rs.5,000/- is awarded towards litigation expenses.

9.It is made clear that the above said amounts are to be paid by the respondent from the date of filing of the petition in I.A.No.458 of 2010.



10. In the result, the Civil Revision Petition is allowed. No costs. Consequently, M.P(MD)No.1 of 2011 is closed.

Sd/-

Assistant Registrar(P&A)

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Sub Assistant Registrar

To

1 The Judge, Family Court,
Madurai.

2 K.Chandrasekaran,
S/o. V.R.Kanagavel,
3/42 Pillaiyar Kovil Street,
Seeman Nagar, Madurai North Taluk,
Madurai District.

Copy to:

The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai (2 Copies)

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and
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22.03.2018

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AM/JC/SAR 1/05.04.2018/3P/5C