

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

C.M.A. No. 329 of 2018
& C.M.P.No.3308 of 2018

S.Rameshkumar ... Appellant
Vs.
S.Manjula ... Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act, 1984, praying to set aside the order dated 16.12.2017 passed in I.A.No.1455 of 2015 in O.P.No.1985 of 2014 on the file of III Additional Principal Judge, Family Court, Chennai.

For Appellant : Mrs.Sudharshana Sundar
For respondent : No appearance

JUDGMENT

(Judgment of the Court was made by M.M.Sundresh,J.)

The appellant is the respondent in I.A.No.1455 of 2015 in O.P.No.1985 of 2014. It has been filed by the appellant seeking divorce. The said petition has been ordered by directing the appellant to pay a lump sum amount of Rs.25,000/- towards litigation expenses while further ordering a sum of Rs.10,000- per month towards litigation expenses. Aggrieved over the payment of Rs.10,000/- towards litigation expenses alone, the present appeal has been filed.

2.Heard the learned counsel appearing for the appellant.

3. Despite notice being served and name of the respondent has also been printed in the cause list, none appears for the respondent.

4. We are in respectful agreement with the submission made by the learned counsel for the appellant that, the payment of Rs.25,000/- as lump sum is not challenged by the appellant.

However, having held that the respondent is not entitled for any interim maintenance, a sum of Rs.10,000/- per month towards monthly litigation expenses ought not to have been granted. We are conscious of the fact that in the Family Court, there is no need for a Lawyer. Though the parties are entitled to consult the Lawyers, the expenses cannot be stated to be of recurrent in nature. In such view of the matter, the order passed by the Family Court insofar as the payment of Rs.10,000/- per month towards litigation expenses stands set aside. As O.P.No.1985 of 2014 is pending for nearly six years, we direct the learned III Additional Judge, Family Court, Chennai, to dispose of the same within a period of four months from the date of receipt of a copy of this judgment.

5. Accordingly, the civil miscellaneous appeal stands allowed. No costs. Consequently, connected civil miscellaneous petition stands closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

Raa

To:

The III Additional Judge,
Family Court,
Chennai.

+1cc to Mr.Sudharshana Sundar, Advocate, S.R.No. 102160

C.M.A.No. 329 of 2018

NRL (CO)
GN (24/02/2020)

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