

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2019

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

C.R.P.(PD) No.3628 of 2019
and C.M.P.No.23794 of 2019

SP.Manickam ... Petitioner/Respondent
-Vs-
Visalakshi ... Respondent/Petitioner

Prayer : Civil Revision Petition under Article 227 of the Constitution of India against the fair and decreetal order of the learned Subordinate Judge at Poonamallee in I.A.No.139 of 2019 in HMOP No.297 of 2017 dated 17.10.2019.

For Petitioner : Ms.K.Sridevi

O R D E R

This revision petition has been filed against the fair and decreetal order of the learned Subordinate Judge at Poonamallee in I.A.No.139 of 2019 in HMOP No.297 of 2017 dated 17.10.2019.

2. Before the Court below, the revision petitioner / husband filed the main H.M.O.P.No.297 of 2017 for dissolution of marriage. In the said H.M.O.P., the present I.A., was filed by the respondent wife seeking interim maintenance for herself as well as the child and also for litigation expenses. The prayer sought for therein was for interim maintenance for both mother and child was Rs.25,000/- (Rupees Twenty Five Thousand only) and the learned Judge, after having considered the submissions made by the learned counsel on both sides, decided the said application, thereby fixing the interim maintenance at Rs.10,000/- (Rupees Ten Thousand only) for both wife and child of the revision petitioner. Insofar as the litigation expenses is concerned, the learned Judge has rejected the same. Accordingly, the I.A., was partly allowed, as against which the present revision has been filed.

3. I have considered the submissions made by Ms.Sridevi, learned counsel for the revision petitioner / husband and also perused the materials placed on record.

4. Learned counsel for the revision petitioner pointed out paragraph No.8 of the impugned order, which reads as follows:-

"8. So, the respondent / husband has to pay a sum of Rs.10,000/- as interim maintenance amount to petitioner and her child till the disposal of the main case. Regarding the litigation expenses, this Court has not found any valid reasons to grant a relief to the petitioner. The divorce petition was filed by the respondent/husband. So without deciding the main case, there is no question arise regarding the litigation expenses. So this Court is not inclined to grant remedy regarding the litigation expenses. Hence, this petition is partly allowed. The respondent / husband is directed to pay a sum of Rs.15,000/- as interim maintenance amount to the petitioner and her child till the disposal of the main HMOP No.297 of 2017."

5. In the said operative portion of the order at paragraph 8 as extracted above, the learned Judge, though has fixed the interim maintenance for both wife and child at Rs.10,000/-, in the last line the learned Judge has stated that, the respondent is directed to pay a sum of Rs.15,000/- as interim maintenance amount to the petitioner and her child till the disposal of the main HMOP No.297 of 2017. The said mentioning of Rs.15,000/- should be definitely a mistake, as the learned Judge has fixed only Rs.10,000/-. Therefore, the learned counsel for the petitioner pointed out that there is a discrepancy in the said order.

6. I find some force in the said contention raised by the learned counsel for the petitioner, since it is a typographical error, as the said amount of Rs.15,000/- (Rupees Fifteen Thousand only) or even Rs.10,000/- (Rupees Ten Thousand only) mentioned in paragraph No.8 have not been mentioned in words.

7. In that view of the matter, this Court feels that except to clarify the said portion, the impugned order otherwise does not require any interference, since the amount of Rs.10,000/- fixed as interim maintenance for both wife and child of the revision petitioner, in the considered opinion of this Court, is fully justifiable and sustainable.

8. In the result, this Civil Revision Petition is disposed of with the following observation that, the operative portion of the impugned order dated 17.10.2019 in I.A.No.139 of 2019 in H.M.O.P.No.297 of 2017 at paragraph No.8 stating that, ' a sum of Rs.15,000/- shall be paid as interim maintenance for the wife and child' is to be read as 'a sum of Rs.10,000/- shall be paid

as interim maintenance for the wife and child'. With this clarification, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

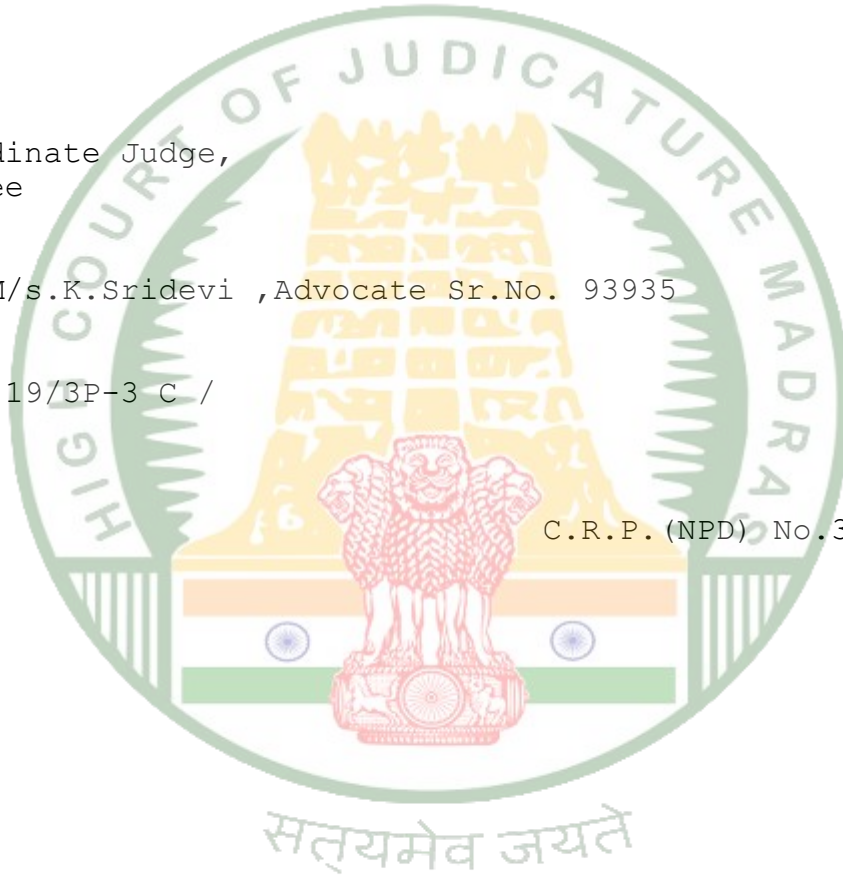
To

The Subordinate Judge,
Poonamallee

+1 cc to M/s.K.Sridevi ,Advocate Sr.No. 93935

AKM/13.12.19/3P-3 C /

C.R.P. (NPD) No.3628 of 2019



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