

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.(PD)No.2852 of 2018

and

CMP.No.16775 of 2018

Sadrach Prabhu

...Petitioner

Vs.

Sarulatha

...Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair order and decreetal order in I.A.No.77 of 2017 in I.D.O.P.No.2895 of 2014 dated 20.04.2018 on the file of the III Additional Family Court, Chennai.

For Petitioner : Mr.G.Appavu

For Respondent : Mr.V.S.Kesavan

ORDER

This Civil Revision Petition has been filed against the fair order and decreetal order in I.A.No.77 of 2017 in I.D.O.P.No.2895 of 2014 dated

20.04.2018 on the file of the III Additional Family Court.

2. The husband, who launched proceedings for divorce under Sections 10(vii) and 10(ix) of the Indian Divorce Act, has come up with this Civil Revision Petition, challenging the order of the Family Court granting travelling expenses of a sum of Rs.2,000/- per hearing to the wife. The wife is admittedly, a resident of Erode. The Original Petition which was originally filed before the Principal District Court, Tiruvallur was transferred to the file of the Principal District Court, Salem and from there, it was again re-transferred to Family Court, Chennai. Contending that she is not being maintained by the husband and that she is unable to travel from Erode to Chennai for every hearing the wife sought for grant of travelling expenses at Rs.6,000/- per hearing. The learned Family Judge, considering the plight of the husband also, granted a sum of Rs.2,000/- per hearing as travelling expenses. This order is challenged by the husband.

3. Heard, Mr.G.Appavu, learned counsel appearing for the petitioner and Mr.V.S.Kesavan, learned counsel appearing for the

respondent.

4. The wife is admittedly a resident of Erode. The Original Petition was originally transferred to Salem. It is the husband who got it re-transferred to the Family Court at Chennai. Therefore, the liability of the husband to pay travelling expenses to the wife cannot be denied. The learned Family Judge has taken into account the distance between the two places and awarded a paltry sum of Rs.2,000/- per hearing towards travelling expenses. I do not see any necessity to interfere with the said discretion exercised by the learned Family Judge. Hence, this Civil Revision Petition fails and it is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

सत्यमेव जयते

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The III Additional Family Court, Chennai.

R.SUBRAMANIAN, J.

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