



WEB COPY

C.R.P.No.4170 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.No.4170 of 2022

Kavitha

... Petitioner

Vs.

Santhosh

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India praying to dispose of the O.P.No.4046 of 2019, filed for divorce between the petitioner and respondent pending on the file of the IV Additional Family Court, Chennai.

For Petitioner

: Mrs.T.K.S.Bharathy Anandraj

ORDER

The Civil Revision Petition has been filed for speedy disposal of O.P.No.4046 of 2019, pending on the file of the IV Additional Family Court, Chennai.

2. The marriage between the Revision Petitioner and the respondent



was solemnized on 10.05.2010 as per the Hindu Rites and Customs. Three children born from and out of the wedlock between the petitioner and the respondent and all the children are living with the petitioner/mother.

3. The learned counsel for the Revision Petitioner mainly contended that the interim maintenance ordered by the Family Court has not been settled in full by the respondent and he is evading payment of maintenance to the revision petitioner. Arrears of maintenance are yet to be settled and on account of delay in disposing the main case as well as the Maintenance Petition, the respondent is taking undue advantage.

4. The Revision Petitioner has stated in her petition for divorce, more specifically, in paragraph 11 as follows:

“11. It is further submitted that this Respondent's father is an Ex.MLA in Saidapet, Chennai and through him, this respondent and his family jointly possess crores and crores of valuable assets and the monthly income to their family will extend to Rs.1 to 2 crores. This amount was collected by the respondent's mother Mrs.Sarala and she will give monthly expenses to her sons and daughters and son in law and she will give 500 to this petitioner as maid salary and every month, she will insist the same word before her daughter and



son in law.”

5. When the family status of the respondent and his political affiliation should be considered as a ground for considering the relief. The revision petitioner is wife of the respondent and under these circumstances, she says that it would be very difficult to proceed with the case, since the Family Court is granting adjournments on invalid grounds and the respondent is attempting to prolong and protract the matter one way or other.

6. The learned counsel for the revision petitioner brought to the notice of this Court that the maintenance amount of Rs.9,00,000/- (Rupees Nine Lakhs only) is to be settled in favour of the revision petitioner.

7. Remedy of Maintenance is a measure of social justice as envisaged under the Constitution to prevent wife and children from falling into destitution and vagrancy. Preamble of the Constitution and Articles 39 and 15 (3) of the Indian Constitution envisage social justice and positive State action for empowerment of women and children. Maintenance being a Fundamental Right and Right to Life under Article 21 of the Constitution of India, even in the absence of any application before the Court and if the



Court finds that the minor children are with the mother, then interim maintenance is to be ordered without any loss of time. Livelihood of the minor children are to be protected by the Courts at all circumstances and the Court must ensure that such maintenance ordered are promptly paid by the respondent and in the present case, the petitioner could able to establish that the respondent is possessing huge properties and deriving income in crores.

8. Considering the fact that the respondent has not paid the interim maintenance properly to the revision petitioner and further, considering the fact that there is a likelihood of further prolongation of the litigation, this Court is inclined to consider the Civil Revision Petition.

9. Accordingly, the IV Additional Family Court, Chennai is directed to dispose of the H.M.O.P.No.4046 of 2019 as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order. It is made clear that the IV Additional Family Court, Chennai, shall ensure that the Maintenance amount already ordered is settled in favour of the revision petitioner in order to maintain the three children, who all are minors and also must ensure that the maintenance amount is being settled promptly and punctually and in the event of any failure on the part of



the respondent in paying the maintenance, more specifically to three minor children, actions are to be initiated for recovery by using all means by following the process of law.

10. With these directions, the Civil Revision Petition stands allowed.

No costs.

16.12.2022

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Index : Yes
Speaking order

To

The Judge,
IV Additional Family Court,
Chennai.



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S.M.SUBRAMANIAM, J.

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