



WEB COPY



CRP.No.3157 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CRP.No.3157 of 2019
and CMP.No.20600 of 2019

J.Bharath Kumar

... Petitioner

Vs.

V.Mercy

... Respondent

PRAYER: Civil Revision petition is filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 29.10.2018 passed by the learned Principal District Judge at Thiruvallur in IA.No.647 of 2017 in IDOP.No.15 of 2015.

For Petitioner : Mr.D.Bennington

For Respondent : No appearance

ORDER

This civil revision petition has been filed to set aside the fair and decretal order dated 29.10.2018 passed by the learned Principal District Judge at Thiruvallur in IA.No.647 of 2017 in IDOP.No.15 of 2015, thereby ordered alimony *pendente lite* towards transport charges and other miscellaneous charges incurred by the respondent to the tune of Rs.1,60,000/-.



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Heard, Mr.D.Bennington, learned counsel for the petitioner.

Though notice was served and name printed in the cause list, no one appeared on behalf of the respondent before this Court either in person or through counsel.

3. The petitioner is the husband and the respondent is the wife. They got married on 22.05.2013. Thereafter, there was misunderstanding between them and as such, the respondent got separated from the matrimonial home. The petitioner herein filed petition for dissolution of marriage in IDOP.No.15 of 2015 on the ground of cruelty. While pending the said divorce petition, the respondent filed petition seeking a sum of Rs.1,60,000/- as alimony *pendente lite* towards transport charges and other miscellaneous charges incurred by the respondent in attending the court.

4. On perusal of the petition, she claimed transport charges from Tambaram-Mudichur to Tiruvallur, that too she claimed taxi hire charges per hearing calculating 32 hearing dates and claimed Rs.1,60,000/- towards taxi hiring charges. Except the petition, no proof was filed to show that she



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attended all the hearing dates and she came to the court only by taxi. That apart, the respondent already filed maintenance case in MC.No.23 of 2017 and it is pending on the file of the Judicial Magistrate, Tambaram. The court below mechanically allowed the petition without any speaking order and without even stating any reason and simply allowed the petition as prayed for. Therefore, it cannot be sustainable and it is liable to be set aside.

5. Accordingly, the fair and decretal order dated 29.10.2018 passed by the learned Principal District Judge at Thiruvallur in IA.No.647 of 2017 in IDOP.No.15 of 2015 is set aside and this civil revision petition is allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

03.03.2023

Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To
The learned Principal District Judge at Thiruvallur

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