



C.R.P(MD).No.1185of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P(MD).No.1185 of 2023

1.Sukirtha
2.Minor.Mathesh sakravarthi
3.Minor.Hasini ... Petitioners/Petitioners/Petitioners
(The petitioners 2 & 3 are represented through their mother first respondent)

Vs.

M.Krishnaprabhu ... Respondent/Respondent/Respondent

PRAYER:- This Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the ex and fair order dated 23-1-2023 passed in I.A.No.36 of 2020 in H.M.O.P.No.89 of 2018 on the file of Subordinate Judge, Uthamapalayam.

For petitioner : Mr.S.Karthick Ramkumar

ORDER

This Civil Revision Petition has been filed by the petitioners to set aside the ex and fair order dated 23.1.2023 passed in I.A.No.36 of 2020 in H.M.O.P.No.89 of 2018 on the file of the learned Subordinate Judge, Uthamapalayam.



2.The first petitioner has filed HMOP.No.89 of 2018 to dissolve the marriage solemnized between the first petitioner and the respondent. In the said proceedings, the first petitioner has also filed I.A.No.36 of 2020 for interim maintenance under Section 24 of the Hindu Marriage Act, 1955. The first petitioner had sought for an interim maintenance of Rs.30,000/- per month and Rs.20,000/- towards legal expenses.

3.By the impugned order, the Court has allowed the said petition and directed the respondent to pay a sum of Rs.10,000/- to the petitioners and also directed the respondent to meet out all the education expenses of the petitioners 2 & 3 herein. The relevant portion of the order reads as under:-

*“(iv) The **respondent shall** meet out the educational expenses of the 2nd and 3rd petitioner and pay their fees directly in the institution. The respondent shall pay Rs. 4,000/- to the 1st petitioner and Rs.3,000/- each to the 2nd and 3rd petitioner and in total a sum of Rs.10,000/- as monthly maintenance amount. The legal expenses claimed cannot be granted at this juncture when no sufficient proof is filed for the same. The petitioner shall claim it when the main petition is disposed. This Court by considering the financial status of the Respondent finds it fit to allow this interim maintenance from the date of this order.”*

4.Though in the said para (iv), the education expenses shall be made, the same is not mentioned in conclusion portion of the order as extracted



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above. Otherwise I do not find any other reasons to interfere with the impugned order. The learned Sub Judge, Uthamapalayam, has taken note of the interest of the petitioners and the respondent. Therefore, I am not inclined to interfere with the impugned order.

5.However, there shall be a direction to the learned Subordinate Judge, Uthamapalayam to alter the decree by including Sub Clause (e) in paragraph (v) to give effect to the portion of the impugned order which directs the respondent to meet out the educational expenses of the petitioners 2 and 3 and pay their fees directly in the institution which has been extracted above. The exercise shall be carried on, after due notice to the respondent. It is open for the petitioners to enforce the decree in accordance with law.

6.With the above direction, this Civil Revision Petition is disposed of.

No costs.

28.04.2023

NCC : Yes/No
Index : Yes/No
Internet:Yes/No
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C.SARAVANAN,J.

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To

- 1.The Subordinate Judge,
Uthamapalayam.
- 2.The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

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