



C.R.P.(PD).Nos.3170 and 3172 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(PD).Nos.3170 and 3172 of 2019
and CMP.Nos.20679 and 20681 of 2019

C.R.P.(PD).No.3170 of 2019:

G.K.Velan

... Petitioner

R.Sumathy

...Respondent

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, praying to allow the Civil Revision Petition by setting aside the Order and decreetal order dated 06.02.2019 in I.A.No.533 of 2017 in HMOP.No.82 of 2014.

For Petitioner
For Respondent

: Mr.P.Willson Topaz
: Sole respondent-batta due



C.R.P.(PD).Nos.3170 and 3172 of 2019

WEB C **C.R.P.(PD).No.3172 of 2019:**

G.K.Velan

... Petitioner

R.Sumathy

...Respondent

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, praying to allow the Civil Revision Petition by setting aside the Order and decretal order dated 06.02.2019 in I.A.No.534 of 2017 in HMOP.No.82 of 2014.

For Petitioner	: Mr.P.Willson Topaz
For Respondent	: Sole respondent-batta due

COMMON ORDER

These two revision petitions are filed by the petitioner/husband challenging the order passed by the Court below allowing the application filed by the respondent/wife seeking interim maintenance, litigation expenses and travelling expenses.



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2. According to the respondent/wife, the marriage between the petitioner and the respondent got solemnized on 16.11.2011 and the respondent was forcibly sent out of matrimonial home by the petitioner on 05.12.2011. It was further stated that the respondent was living with her sister without any means to meet her livelihood. The petitioner herein filed HMOP.No.82 of 2014 on the file of the Subordinate Judge, Tambaram, seeking divorce on the ground of cruelty. Pending the petition, the respondent filed two applications in I.A.No.534 of 2017, seeking interim maintenance at the rate of Rs.25,000/- per month and I.A.No.533 of 2017, seeking payment of litigation and travelling expenses at the rate of Rs.50,000/- and Rs.20,000/- respectively.

3. The Court below considering the rival claim of the parties was pleased to direct the petitioner to pay interim maintenance at the rate of Rs.15,000/- per month. It also directed the petitioner to pay a sum of Rs.15,000/- as litigation expenses and Rs.10,000/- as travelling expenses. Aggrieved by these orders, the petitioner has come up by way of these two revision petitions.



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4. The learned counsel for the petitioner submits that though the petitions were filed by the respondent in the year 2015, she has not taken any steps to number the same immediately. The applications filed by the respondent were numbered only in the year 2017 and impugned order has been passed in 2019 by directing the petitioner to pay the arrears of maintenance from the date of filing of the petition namely 25.10.2015. The learned counsel further submits that had the respondent taken immediate steps to number the application, the petitioner would not have been put to the liability of paying the amount from 2015.

5. The submission made by the learned counsel appearing for the petitioner is not acceptable to this Court, even if the interim maintenance filed by the respondent is numbered immediately in the year 2015, the liability of the petitioner to pay the interim maintenance starts from the date of filing of the petition namely 25.10.2015. Therefore, merely because there is some delay in numbering the application, the petitioner cannot say he is not



liable to pay amount from the date of filing of the maintenance application.

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6. In the affidavit filed in support of the application seeking interim maintenance, it was stated by the respondent/wife, the petitioner is running a computer business and he has been earning more than Rs.1 Lakh per month. It has been stated that the petitioner is having a house at Pozhichaloor and receives rental income. In the counter affidavit filed by the petitioner, he denied the averment of the respondent that he has been running a computer business and earning a sum of Rs.1 Lakh per month. Regarding the rental income, the same was not controverted by the petitioner in his counter affidavit. Though the petitioner vaguely denied he is not running a computer business in the counter affidavit, he has not mentioned his occupation and his actual monthly income. In such circumstance, taking into consideration the facts and circumstances of the case, the Court below fixed an interim maintenance at the rate of Rs.15,000/- per month as against the claim of Rs.25,000/- made by the respondent.

7. Though the respondent claimed litigation and travelling



C.R.P.(PD).Nos.3170 and 3172 of 2019

expenses at the rate of Rs.50,000/- and Rs.20,000/- respectively, the Court

below fixed litigation and travelling expenses at Rs.30,000/- and Rs.10,000/-

respectively. In the facts and circumstances of the case, the quantum of maintenance and also litigation, travelling expenses fixed by the Court below appear to be reasonable and the same requires no interference.

8. Accordingly, both Civil Revision Petitions are dismissed. No costs. Consequently, the connected civil miscellaneous petitions are closed.

06.02.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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C.R.P.(PD).Nos.3170 and 3172 of 2019

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To

The Subordinate Judge, Tambaram.



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C.R.P.(PD).Nos.3170 and 3172 of 2019

S.SOUNTHAR, J.

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C.R.P.(PD).Nos.3170 and 3172 of 2019

06.02.2024