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C.R.P. No. 3315 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2024

CORAM

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

C.R.P. No. 3315 of 2024

1. K.Sadhanya

2. S.Rithvika (minor, 9 years old)
rep by her mother and natural
guardian K.Sadhanya

... Petitioners/Petitioners/Petitioners

Vs.

S.Sanjay

...Respondent/Respondent/Respondent

PRAYER: Civil Revision Petition is filed under Section 227 of the Constitution of India, to direct the Trial Court to dispose of I.A. No. 2 of 2023 in H.M.O.P. No. 5418 of 2021 on the file of the learned III Additional Family Judge at Chennai.

For Petitioners : M/s. Thenamirtha Shyamala

For Respondent : M/s. S.P.Aarthi

ORDER

This Civil Revision Petition seeks for expeditious disposal of I.A. No. 2 of 2023 in H.M.O.P. No. 5418 of 2021 on the file of the III Additional Family



Court at Chennai.



C.R.P. No. 3315 of 2022

WEB COPY

2. H.M.O.P. No. 5418 of 2021 has been presented by the civil revision petitioner seeking for divorce invoking Section 13(1)(ib) of the Hindu Marriage Act, 1955.

3. There is no dispute in the relationship between the parties. The civil revision petitioner married the respondent on 14.12.2011. From the wedlock, a child was born on 02.02.2013. It is a female child. The child is said to be currently studying at Padma Seshadri Bala Bhavan School, K.K. Nagar, Chennai. Pleading that the father has to maintain the 9 year old child, an application in I.A. No. 2 of 2023 was filed invoking Section 24 of the Hindu Marriage Act, 1955. The civil revision petitioner wanted the father to pay a sum of Rs. 30,000/- per month and a further sum of Rs. 50,000/- towards litigation expenses.

4. The cause of action for the Civil Revision Petition is that the application for interim maintenance has been repeatedly adjourned from November 2022 onwards. The civil revision petitioner conceded that she is working at HCL Technologies in Sholinganallur. It is also conceded by the respondent/husband that he is a diploma holder and he is running a car service



business under the name and style of “Unique Car Service” at
Thirumullaivoyal.

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5. When the matter came up for admission on 19.08.2024, Ms. S.P.Aarthi took notice on behalf of the respondent/husband. She submitted that she would get instructions from her client regarding the payment of maintenance and therefore the matter was adjourned. Today when I took up the matter, Ms. Aarthi produced an email dated 09.05.2023, whereby, her client has agreed to pay the school fees of the child as well as other extra curricular expenses that the child might incur during the course of her education.

6. By a mere direction to the learned Family Judge to dispose of the application, I would not only be delaying the H.M.O.P. itself, but it would only add to the parties litigating further before the Court. If the maintenance fixed by the Court is less, I can expect the wife to prefer a revision and if it is otherwise, I am sure the husband will be knocking on the doors of this Court. Therefore, in order to put a quietus to the matter, I heard both sides on the merits of the application itself.

7. After a detailed argument, I am of the view that the



respondent/husband can be directed to pay the following:-

(i) A sum of Rs. 15,000/- per month either by NEFT or Cheque in favour of the petitioner/mother which would be utilised by the mother for the maintenance of the child.

(ii) The petitioner/mother shall produce the original receipts of the payment for the academic years 2023-2024 and 2024-2025 and the father shall reimburse the amount to the mother.

(iii) Going forward, the mother shall send the invoice that is generated by the school to the father and he shall pay the amount directly to the school.

(iv) In case the child undertakes any extra curricular activities, the father shall make the payment directly to the institution providing such service to the child.

(v) The plea for litigation expenses stands rejected.

(vi) The father shall be liable to pay the sum of Rs.15,000/- from November 2022 onwards.

(vii) The arrears from November 2022 to August 2024 shall be cleared within a period of 12 weeks from the date of receipt of a copy of this order.

8. At this stage, Ms. S.P.Aarthi, learned counsel for the respondent would submit that she has taken out an application for subpoena of the salary of the bank accounts of the mother. Ms. R.T.Shyamala would state that these



C.R.P. No. 3315 of 2024

accounts have already been furnished to the Court. Be that as it may, it is always open to the husband to take out an appropriate application of the H.M.O.P. itself summoning the bank accounts of the wife. Since the relief of maintenance is granted under this order, the question of dealing with I.A. No. 6 of 2024 by the learned Family Judge becomes unnecessary. The Court will treat the subpoena petitions as applications in the main proceeding.

9. In the result, the Civil Revision Petition is disposed of. The learned III Additional Family Judge is requested to dispose of the application for interim maintenance in terms of the order in this revision. No costs.

21.08.2024

Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No
pal/kmk

To

The III Additional Family Court at Chennai.



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C.R.P. No. 3315 of 2024

V.LAKSHMINARAYANAN, J.,

pal

C.R.P. No. 3315 of 2024

21.08.2024