



CRP No.3539 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2024

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THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

CRP No.3539 of 2024 &
CMP.No.19147 of 2024

J.Ganesh Kumar @ Hariharan : Petitioner

versus

Gayathri : Respondent

Prayer: Petition filed under Article 227 of the Constitution of India to set aside the order dated 26.06.2024 passed by the Family Court, Chengalpattu in I.A.No.11/2024 in HMOP.No.135/2020.

For Petitioner : Mr.K.P.Satish Kumar

For Respondent : Mr.K.Perumal

ORDER

This civil revision petition arises against the order passed by the learned Family Court at Chengalpet in FCIA No.11 of 2024 in FCOP No.135 of 2020.



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2. FCOP No.135 of 2020 has been presented by the civil revision petitioner. He invoked Section 12 of the Hindu Marriage Act for the purpose of dissolving the matrimony that was entered into between him and the respondent. From the wedlock, there are no children. It is not in dispute that the wife is a permanent resident of Bangalore, while the husband is a permanent resident of Guduvancherry.

3. Since the proceedings have been initiated in the State of Tamil Nadu, the wife filed an application under section 24 of the Hindu Marriage Act seeking litigation expenses of Rs.50,000/- and Rs.10,000/- towards expenses for every hearing. This petition was received as FCIA.No.11 of 2024. She bases this claim on the fact that she has no money to contest the litigation. She would plead that her father is working in a milk booth as a salesman and for every hearing, her mother used to accompany her from Bangalore to Chengalpet. I have to note that pending the proceedings, the mother has passed away.



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4. The respondent would plead that she has to travel from Bangalore to Chennai and thereafter, take the train from Chennai to Chengalpet. She would state that the waiting room at the railway station is not available for persons travelling in the unreserved compartments. Therefore, she is forced to stay, during night hours, in the platform itself. She would point out that since the trial has been initiated, she would have to be present for every hearing in the case. Apart from this application, she has also presented IA.No.4 of 2021 invoking Section 26 read with other provisions of the Protection of Women from Domestic Violence Act, 2005 before the Family Court.

5. The learned Judge ordered notice in FCIA.No.11 of 2024 and received a counter from the respondent/petitioner herein. He would plead that it is not going to take Rs.10,000/- to travel from Bangalore to Chennai and thereafter to Chengalpet. He would state that it costs only Rs.235/- if she were to take the Cauvery Express from Bangalore to Chennai and Rs.15/- if she were to avail the Suburban train facility to travel from Chennai



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to Chengalpet. According to him, in all, the expenses would be Rs.840/- if she were to travel to and fro. He would plead that the application itself had been filed in order to drag on the proceedings. He would also reiterate his submission that the petitioner is incapable of delivering a child in the normal way.

6. The learned Judge considered the application and counter, and came to a conclusion that the husband should pay a sum for Rs.8,000/- per appearance in the court, against which the present revision.

7. I have heard Mr.K.P.Satish Kumar for the civil revision petitioner and Mr.K.Perumal for the respondent.

8. It is pertinent to point out that the husband was employed abroad, before he came to India and launched the divorce proceedings. He would plead that as on today, he is unemployed. Curiously enough, he would also plead that he is servicing a loan with Axis Bank, paying an EMI of Rs.15,257/- per month. It is indeed an act of financial wizardry for a person



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who is absolutely unemployed to be in a position to pay month on month the liability towards the bank.

9. The learned Family Judge, taking into consideration the affidavit of assets and liabilities of the husband and the expenses that is involved for travelling from Bangalore to Chennai and from Chennai to Chengalpet, has fixed a reasonable amount of Rs.8,000/-. This not only includes the amount towards the travel expenses, but also includes the wife's and her companions' over night stay and food expenses. This amount can neither be treated as excessive nor arbitrary for this Court to revise the same under Article 227 of the Constitution of India.

10. Mr.K.P.Sathishkumar would state that the proceedings are at the stage of filing of proof affidavit of the respondent. He would also add that 104 hearings have taken place from the date of filing of the FCOP. The proceedings being at an advance stage, it necessarily requires wife to be present on every date of hearing. Therefore, I am able to appreciate the plight of the wife in seeking some order from the Court to enable her to



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appear to defend the petition filed against her.

11. The learned Family Judge, Chengalpet shall ensure that the husband pays for every hearing at which the wife is present and in case, he fails to pay even for one hearing, she should pass appropriate orders in the application taken out to strike off by the wife.

12. Mr.K.P.Sathish Kumar would submit that there is arrears of Rs.32,000/- and the husband requires time to make the said payment. He would state that the case is posted on 10.09.2024 and he would plead that he will make the payment by 15.09.2024. On payment of Rs.32,000/- by the husband to the wife, the date of next hearing shall be fixed by the court.

13. With the above directions, this civil revision petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes/No
Speaking Order/Non-speaking order
Neutral Citation : Yes/No

To

1.The Family Court, Chengalpet



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V.LAKSHMINARAYANAN, J.

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