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C.R.P.(PD)No.4439 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **27.11.2024**

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD)No.4439 of 2024
and C.M.P.No.24716 of 2024

V.Sathyanarayanan

.. Petitioner

Vs

B.Sathya

.. Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decretal order dated 22.01.2024 made in I.A.No.1 of 2022 in H.M.O.P.No.602 of 2022 on the file of the learned II Additional Principal Judge, Family Court at Chennai.

For Petitioner : Mr.S.Prabhudoss

For Respondent : Mr.P.Srinivasan



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ORDER

This civil revision petition arises against the order of the learned II Additional Principal Judge, Family Court at Chennai in I.A.No.1 of 2022 in H.M.O.P.No.602 of 2022 dated 22.01.2024.

2. The civil revision petitioner is the husband. He married the respondent on 11.12.2020 in Chennai. Thereafter, the couple set up their matrimonial home at Ayanavaram. Due to disputes and differences, the parties have separated. The civil revision petitioner has initiated H.M.O.P.No.602 of 2022 seeking divorce on the ground of cruelty. The wife was served with the summons and she has filed a detailed counter.

3. Pending the litigation, she took out an application in I.A.No.1 of 2022 seeking for one time payment of Rs.40,000/- towards litigation expenses. She pleaded that she is earning a monthly sum of Rs.10,000/- and is not able to meet the costs of litigation. She also pleaded that her husband has a water supply business and is also running a business agency in Chennai. She pleaded that the monthly income of the husband is about Rs.1,00,000/-.



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4. The husband resisted this application on the ground that he has to pay Rs.15,000/- to his mother and that he is having difficulties in running the business.

5. The learned Trial Judge, considering the petition and counter, allowed the application stating that the wife is entitled to Rs.20,000/- towards litigation expenses every month. Hence, the revision is at the instance of the husband.

6. When the matter came up for admission, I permitted the learned counsel for the civil revision petitioner to serve the counsel who represents the wife in the Court below. Accordingly, the learned counsel has served the papers. The respondent/wife has entered appearance through Mr.P.Srinivasan.

7. I heard Mr.S.Prabhudoss for the civil revision petitioner and Mr.P.Srinivasan for the respondent. I have carefully gone through the records.



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8. The litigation expenses are not a monthly payments. It is normally a one time payment that is made by the husband to enable the wife to engage a counsel and contest the litigation. The petitioner herself had sought for one time payment of Rs.40,000/-. The Court, instead of ordering Rs.40,000/- in one go, directed the husband to pay a sum of Rs.20,000/- every month. Month on Month payment towards litigation expenses would be extremely harsh on the husband. When the respondent/wife herself had sought only for one time payment, the Court ought not to have ordered a monthly payment towards the said head.

9. Therefore, I am inclined to interfere. The order passed by the learned II Additional Principal Judge, Family Court at Chennai in I.A.No.1 of 2022 in H.M.O.P.No.602 of 2022 dated 22.01.2024 is set aside. I.A.No.1 of 2022 will stand allowed as prayed for. The husband shall pay Rs.40,000/- to the wife as litigation expenses.



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WEB COPY 10. The civil revision petition is ordered on the above terms. No costs. Consequently, connected miscellaneous petition is closed.

27.11.2024

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

To

II Additional Principal Judge,
Family Court at Chennai.



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V. LAKSHMINARAYANAN,J.

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