

In the High Court of Judicature at Madras

Dated : 24.6.2015

Coram :

The Honourable Mr.Justice V.RAMASUBRAMANIAN

and

The Honourable Mr.Justice T.MATHIVANAN

Civil Miscellaneous Appeal No.1282 of 2015 and M.P.No.1 of 2015

P.Soundarrajan

...Appellant

Vs

U.Uma Maheswari

...Respondent

APPEAL under Section 19 of the Family Court Act against the order dated 5.6.2013 made in I.A.No.927 of 2010 in O.P.No.2219 of 2010 on the file of the First Additional Family Court, Chennai.

For Appellant : Mr.Y.Kaja Navas
For Respondent : Mr.S.Parthasarathy

JUDGMENT WAS DELIVERED BY V.RAMASUBRAMANIAN,J

This appeal is by a husband questioning the correctness of an order passed by the Family Court, directing him to pay interim alimony in a sum of Rs.3,500/- to the wife and Rs.1,500/- to the minor child.

2. Heard Mr.Y.Kaja Navas, learned counsel for the appellant and Mr.S. Parthasarathy, learned counsel for the respondent.

3. The petitioner husband filed a petition in O.P.No.2219 of 2010 on the file of the First Additional Family Court, Chennai seeking a declaration that the marriage

solemnized between him and the first respondent was voidable due to suppression of facts on the part of the first respondent, who was suffering from schizophrenia. In the alternative, the appellant sought dissolution of marriage on the ground of cruelty. During the pendency of the main petition, the respondent sought interim alimony. The Family Court allowed I.A.No.927 of 2010 filed by the respondent, by an order dated 5.6.2013, directing the appellant to pay interim alimony in a sum of Rs.3,500/- per month to the wife and Rs.1,500/- per month to the minor child. Aggrieved by the said order, the appellant has come up with the above appeal, almost after two years of the said order.

4. The very fact that the husband has chosen to come up nearly after two years of the order granting interim alimony would show that this is not a fit case where we would interfere in our Appellate Jurisdiction.

5. In any case, the main grievance of the appellant is that the first respondent was employed in ICICI Bank Limited and thereafter in Larsen & Toubro. The appellant has produced the copy of the wedding invitation. But unfortunately, what the appellant was supposed to prove before the Family Court was as to whether the first respondent was employed at the time of filing the application for interim alimony. The appellant did not adduce any evidence before the Family Court. Therefore, we would not allow him to adduce evidence in this appeal.

6. The main petition itself is five years old. The amount of alimony awarded is also not very huge. He has got no objection to the quantum of alimony awarded to the minor child. Therefore, in the interests of justice, it will be proper only to direct the Family Court to dispose of the main petition itself within a time frame.

7. Accordingly, the above civil miscellaneous appeal is dismissed. No costs. Consequently, the above MP is also dismissed.

8. The Family Court is directed to dispose of the main petition within a period of three months.

24.6.2015

Internet : Yes

To
The First Additional Family Court, Chennai

RS

V.RAMASUBRAMANIAN,J
AND
T.MATHIVANAN,J

RS

CMA(NPD)No.1282/2015
and M.P.No.1 of 2015

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