

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2015

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH
and
THE HON'BLE MR. JUSTICE T.MATHIVANAN

C.M.A. No.1537 of 2015
and
M.P.No.1 of 2015

Gajendran Appellant/Respondent/Petitioner

vs

Ezhilarasi Respondent/Petitioner/Respondent

Appeal filed under Section 19 of the Family Court Act 1984 against the judgement and decree dated 05.05.2015 passed by the Family Court, Chengalput, in I.A.No.4/15 in O.P.No.6 of 2015.

For Appellant .. Mr.S.Vasudevan

JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

The respondent, being the wife of the appellant, filed an application under Section 24 of the Hindu Marriage Act, 1955, seeking a maintenance of Rs.10,000/- per month. After considering the relevant materials, the Court below awarded a sum of Rs.4000/- per month as interim maintenance apart from a cost of Rs.5000/-. Challenging the same, the present appeal has been filed.

2. The learned counsel for the appellant primarily contended that the take home salary of the appellant is only Rs.7,165/- per month and therefore, the award of maintenance for a sum of Rs.4000/- per month is excessive. The learned counsel also submitted that the appellant also has to maintain himself and his aged parents. Therefore, it would be appropriate to reduce the same to Rs.3000/- per month.

3. We do not find any merit in this appeal. As per Ex.B4, the appellant's salary was Rs.20,974/- per month. The fact that the appellant has been paying the amount under different heads to various activities cannot be a ground to deny the just maintenance to the wife. Admittedly, there is no doubt on the fact that the respondent

is the legally wedded wife of the appellant. The Court below has taken into consideration all the relevant materials. A duty is cast upon the husband to maintain his wife. The interim maintenance is not a sustenance. It is to make a descent living for the wife. As the Court below has merely awarded a sum of Rs.4000/- (Rupees four thousand only) per month out of Rs.10,000/- claim, we do not find any reason to interfere with the same.

4. In the result, the civil miscellaneous appeal is dismissed. No costs. Connected miscellaneous petition is dismissed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

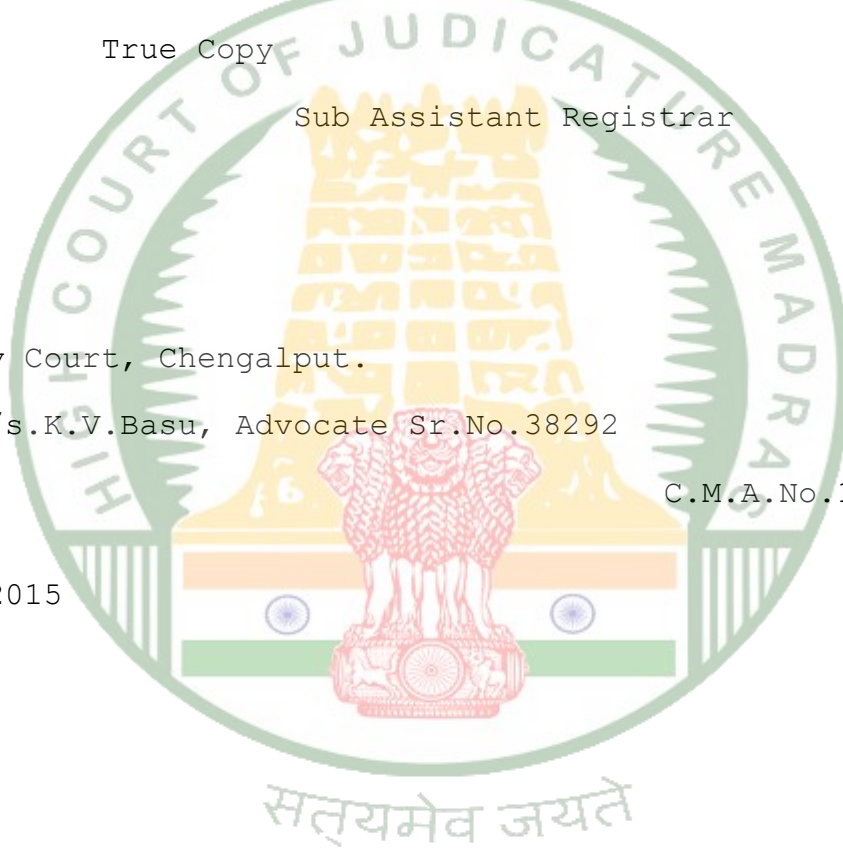
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To
The Judge,
The Family Court, Chengalput.

1 cc to M/s.K.V.Basu, Advocate Sr.No.38292

C.M.A.No.1537 of 2015

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