

In the High Court of Judicature at Madras

Dated: 2.6.2015

Coram:

The Hon'ble Mr. Justice M. Jaichandren
and
The Hon'ble Mr. Justice T. Mathivanan

C.M.A. No.980 of 2015

Arokkiyasamy @ Joseph Richard .. Appellant/ Respondent

vs.

Margaret Sagaya Caroline .. Respondent/ Petitioner

Prayer: Appeal is filed under Section 19 of the Family Court Act, 1984, against the order dated 10.9.2014, made in I.A.No.55/2014, in IDOP No.4/2014, on the file of the Family Court, Erode.

For appellant : Mr.P.Sesubalan Raja

JUDGMENT

[by M.Jaichandren, J.]

This Civil Miscellaneous Appeal has been filed against the Award passed by the Family Court, Erode, dated 10.9.2014, made in I.A.No.55/2014, in IDOP No.4/2014.

2. The main contention of the learned counsel appearing on behalf of the appellant-husband is that, the Family Court, Erode, had erred in fixing a sum of Rs.5,000/= towards the monthly maintenance of the respondent and her child. He has further submitted that the Family Court, Erode, had failed to consider the fact that the respondent-wife had not chosen to challenge the order passed by the learned Judicial Magistrate, Trichy, in M.C.No.125 of 2008, according to which, an amount of Rs.1,500/- had been ordered to be paid towards the monthly maintenance of the respondent-wife and her child. The learned counsel had further submitted that the respondent-wife is employed as an Assistant Professor in a private College and that she is earning a sum of Rs.25,000/- per month.

3. We have heard the submissions of the learned counsel appearing on behalf of the appellant and we have gone through the records available before us.

4. Even though there is no oral or documentary evidence placed on record for the Family Court, Erode, to arrive at an amount of

Rs.5,000/- towards monthly maintenance, payable to the respondent-wife and her child, we do not see sufficient cause or reason to come to the conclusion that the amount so fixed by the court below is disproportionate in nature. Further, the claim made by the appellant-husband that the respondent-wife is employed as an Assistant Professor in a private College and that she is earning a sum of Rs.25,000/- per month, has not been substantiated with sufficient proof. We have also noted that IDOP No.4/2014, pending on the file of the Family Court, Erode, is ripe for final hearing. In such circumstances, we find no ground to entertain the present Civil Miscellaneous Appeal. Accordingly, the Civil Miscellaneous Appeal stands dismissed. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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To

The Family Court, Erode.

1 cc to Mr.T. Rajkumar, Advocate, sr. 26687

CMA No.980 of 2015

TEJ (CO)
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