

In the High Court of Judicature at Madras

Dated: 11.6.2015

Coram:

The Hon'ble Mr.Justice V.Ramasubramanian
and
The Hon'ble Mr.Justice T.Mathivanan

C.M.A. No.3116 of 2014

J.Anandan .. Appellant

vs.

S.Rajalakshmi .. Respondent

Prayer: Appeal is filed against the order dated 11.7.2014 in I.A.3/2014 in HMOP No.10/2014 on the file of the Family Court, Thiruvallur.

For appellant : Ms.A.Farhath Begum
For respondent : Mr.N.Sakthivel

JUDGMENT

[by V.Ramasubramanian, J.]

This Appeal is filed by the husband as against an order for payment of interim maintenance passed by the Family Court, Thiruvallur.

2. Heard Ms.A.Farhath Begum, learned counsel for the appellant-husband and Mr.N.Sakthivel, learned counsel for the respondent-wife.

3. The appellant herein filed a petition for divorce in HMOP No.10/2014 on the file of the Family Court, Thiruvallur, seeking dissolution of the marriage that took place between him and the respondent on 3.6.2001. The ground on which the dissolution of marriage was sought was that the appellant-husband was treated with cruelty by the respondent-wife.

4. Admittedly, two children were born in the wedlock. It is also admitted by the appellant that one of the children is with the respondent-wife. Pending the main petition for divorce, the respondent-wife took out an Interlocutory Application in IA No.3/2014 for payment of interim maintenance of Rs.10,000/- both for her and for the minor child maintained by her under Section 24 of the Hindu Marriage Act, 1955.

5. Taking into account the evidence adduced before the court below, the Family Court, Thiruvallur, came to the conclusion that a sum of Rs.4,000/- per month both to the wife, as well as to the minor child maintained by her, would be adequate. Therefore, the court below passed an order directing payment of a sum of Rs.4,000/- per month. It is against this order that the appellant-husband has come up with the Civil Miscellaneous Appeal.

6. The court below relied upon Ex.P.1 dated 14.12.2009, which was a settlement deed in favour of the appellant-husband. The appellant relied upon a salary certificate filed as Ex.R.1 dated 3.6.2014. But the Family Court found that the appellant-husband was working as a car driver and that he had sufficient means to pay the said amount. It was also admitted by the appellant himself that there was a panchayat conducted by the elders of the village in which he had agreed to pay a sum of Rs.2,000/- to the respondent-wife. Considering the fact that one minor child, aged 10 years, is also with the respondent-wife, we do not think that the amount of Rs.4,000/- per month is a huge amount thereby warranting our interference with the order of the Family Court. Accordingly, the Civil Miscellaneous Appeal stands dismissed. No costs. M.P.No.1 of 2014 is closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

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To

The Family Court, Thiruvallur.

1 cc to Mr. N.Sakthivel, Advocate Sr.No.28593

1 cc to Ms.A.Farhath Begum, Advocate Sr.No.28312

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pmk.22.6.2015

C.M.A. No.3116 of 2014

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