

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

C.M.A.No.1608 of 2015
and connected MP.

Chendrimada Somaya Madappa ... Appellant

Vs.

Kuki Ravindran ... Respondent

Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act, 1984 against the order dated 27.02.2015 made in I.A.No.2560 of 2012 in O.P.No.395 of 2009 on the file of II Additional Judge, Family Court, Chennai.

For Appellant : Ms.Sheila Jayaprakash

For Respondents : Mr.N.L.Rajesh, Senior Counsel

JUDGMENT

(Judgment of the Court was delivered by HULUVADI G. RAMESH, J.)

Heard the learned counsel for the appellant/husband and the learned counsel for the respondent/wife.

2. In connection with the payment of interim maintenance to the respondent/wife during the pendency of the divorce proceedings in O.P.No.395 of 2009, in a sum of Rs.40,000/- per month, the appellant/husband is before this court.

3. It is submitted by the learned counsel for the appellant/husband that the respondent/wife is stated to be working in British Airways and that she lost her job on 30.09.2009. It is further stated by the appellant/husband that the respondent/wife wanted to pursue her twin passion in life i.e, to sing in a band and to start her own business in food industry. It is further submitted by the learned counsel for the appellant / husband that the income of the appellant / husband, as put forth by the respondent/wife is not correct. It

is further submitted by the learned counsel for the appellant that the current income of the appellant is not the same as was taken into consideration while ordering maintenance by the Family Court in I.A.No.2560 of 2012. It is also the contention of the learned counsel for the appellant that the maintenance fixed by the Family court at Rs.40,000/- per month is on the higher side and the Family Court has not taken into consideration the status of the wife and her physical health etc, but proceeded to pass the order of interim maintenance of Rs.40,000/- which is excessive and therefore prayed for interference by this court.

4. Learned counsel appearing for the respondent/wife has submitted that the interim maintenance fixed by the Family Court is just and proper and it does not require any interference.

5. It is further brought to the notice of this Court that the appellant/husband also made offers to the extent that he would sell his property situated in Mysore and make final settlement towards payment of alimony to the respondent/wife in order to avoid any disharmony and to give a quietus to the issue.

6. Be that as it may. The age of the respondent/wife is 41 years. This court also took into consideration the physical fitness of the respondent / wife, who is present before this court as also the current income of the appellant and other associated factors. Considering all the above, to meet the ends of justice, we deem it fit to modify the interim maintenance to Rs.25,000/- (Rupees Twenty Five Thousand only) from Rs.40,000/- pending disposal of the divorce proceedings before the Family Court.

7. In the result, the appeal is allowed in part. Since the divorce petition in O.P.No.395 of 2009 is of the year 2009, the trial court is directed to dispose of the divorce proceedings within six months from the date of receipt of a copy of this order as per Section 24 of the Hindu Marriage Act. The arrears amount, if any, to be paid by the appellant/husband shall be calculated at the rate of Rs.25,000/- per month and the same shall be paid within two months from the date of receipt of a copy of this order. No costs. Consequently, connected MP is closed.

Sd/-
Assistant Registrar(CS VII)

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Sub Assistant Registrar

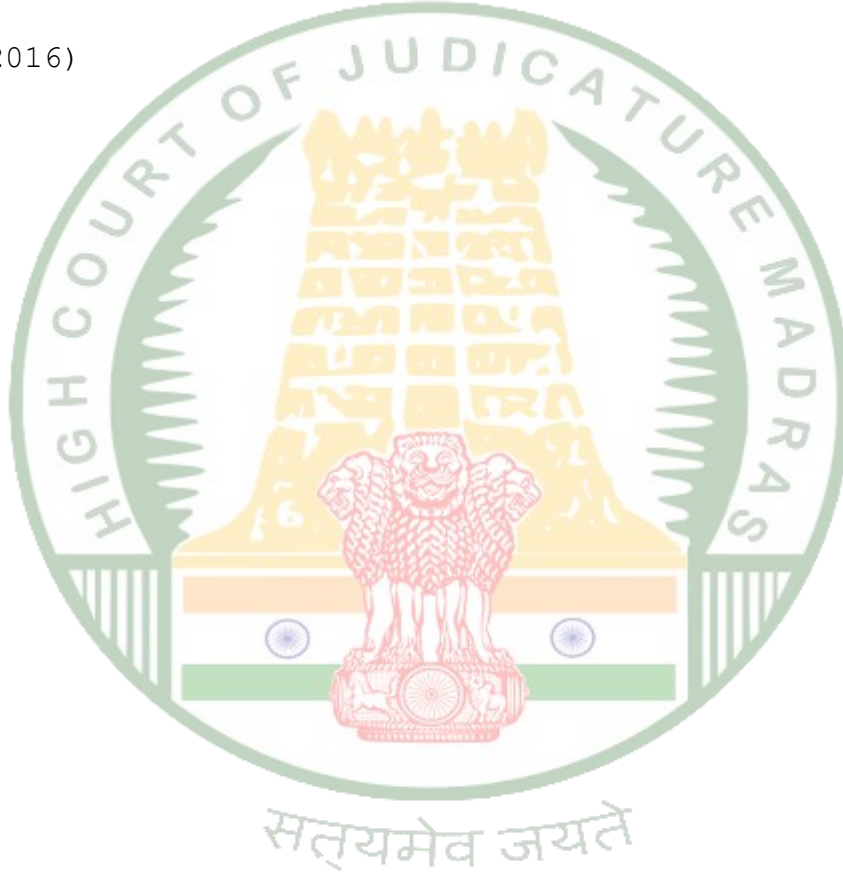
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To

The II Additional Judge,
Family Court, Chennai.

C.M.A.No.1608 of 2015

RK (CO)
CA(13/06/2016)



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