

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUDHAKAR
and
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Civil Miscellaneous Appeal No.779 of 2016
and Civil Miscellaneous Petition No.6329 of 2016

Karthikeyan

... Appellant

vs.

Jeeva

...Respondent

Civil Miscellaneous Appeal filed under Section 19 of the Family Court Act, 1966 against the fair and decreetal order dated 26.02.2016 passed in I.A.No.647 of 2015 in H.M.O.P.No.120 of 2015 on the file of the Family Court, Villupuram.

For Appellant : Mr.C.Munusamy

J U D G M E N T

(Judgment of the Court was delivered by S.VAIDYANATHAN,J.)

Aggrieved by the order dated 26.02.2016 passed in I.A.No.647 of 2015 in H.M.O.P.No.120 of 2015 on the file of the Family Court, Villupuram, the appellant/husband has come forward with the above Civil Miscellaneous Appeal.

2. Claiming interim maintenance of a sum of Rs.7,000/- apart from Rs.10,000/- towards the cost of litigation expenses, an O.P. was filed before the Family Court, Villupuram under Section 24 of the Hindu Marriage Act by the respondent/wife. The Family Court, by order dated 26.02.2016 in I.A.No.647 of 2015 in H.M.O.P.No.120 of 2015 has granted interim maintenance of a sum of Rs.5,000/- per month, however, rejecting the request of the cost of litigation expenses. Aggrieved over the said award passed, the appellant/husband is before this Court.

3. it is not in dispute that the marriage between the appellant and the respondent was held on 30.08.2012 and a girl child was born out of the said wed lock on 26.10.2013. It is also not in dispute that since there is a firestone between the

husband and wife, a complaint was lodged before the police on 15.10.2014.

4. Since there is a dissension between the husband and wife, they are not living together. Therefore, the appellant/husband has approached the Family Court for divorce and the wife has filed an application for interim maintenance under the aforesaid provisions of the Act.

5. The grievance of the appellant/husband is that the amount of compensation payable to the respondent/wife is on the higher side. But, a plain reading of paragraph Nos.13 and 14 of the order of the Family Court, it is crystal clear that the appellant has admitted at the time of marriage that he was running an Electrical Shop in the name and style of Sri Vijayalakshmi Electricals, Vikkaravandi and he got married. Therefore, the contention of the appellant that he is not earning any income by going back on his earlier statement cannot be accepted. That apart, out of marriage, a girl child was born to them. It is the duty of the father, to take care of the girl child as well as his wife, till the marriage subsists.

6. Taking note of the above facts, the award passed by the Family Court in granting interim maintenance of a sum of Rs.5,000/- to the wife cannot be said to be erroneous. Hence, this Court is not inclined to interfere with the same. Hence, this Civil Miscellaneous Appeal is dismissed. No costs. Connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(VI)

//True Copy//

Sub Assistant Registrar

rg

To :

The Family Court,
Villupuram.

+ 1 cc to Mr.C. Munusamy, Advocate SR.22573

C.M.A.No.779 of 2016

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