

IN THE JUDICATE OF MADRAS HIGH COURT

DATE : 09.08.2017

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THE HON'BLE MR.JUSTICE R.SUBBIAH

and

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

C.M.A.1188 of 2017

and

C.M.P.No.5959 of 2017

Mrs.Sophia Richar ... Appellant

Vs.

Mr.Joshua Richar ... Respondent

Civil Miscellaneous Appeal has been filed under Section 19 of the Family Court Act against the order dated 08.02.2017 in I.A.No.593 of 2016 in O.P.No.429 of 2015 passed by the Principal Family Court at Chennai.

For Appellant : Mr.Thomas T.Jacob

For Respondent : Mr.G.Ashok Kumar

JUDGMENT

(Judgment of the Court was delivered by R.SUBBIAH, J.,)

This appeal has been filed by the wife as against the order dated 08.02.2017 in I.A.No.593/2016 in O.P.No.429/2015, in and by which the Principal Family Court at Chennai awarded a sum of Rs.5,000/- per month to her/wife and Rs.10,000/- per month to the child as interim maintenance, seeking enhancement of the interim maintenance.

2.When the matter is taken up, the learned counsel for the respondent/husband has filed an affidavit dated 02.08.2017 to the effect that the respondent/husband has already paid a sum of Rs.30,000/- as part payment of pending arrears of maintenance amount and he has to pay remaining sum of Rs.1,85,000/- towards arrears. Further, he undertook to pay the arrears within four weeks from the date of his affidavit.

3.So far as the interim maintenance is concerned, it is represented by the learned counsel for the respondent/husband

that he is receiving only a sum of Rs.45,000/- as monthly salary and he has to look after his parents. Thus, he expressed his inability to pay more than Rs.10,000/- as maintenance.

4. But, in our considered opinion, the sum of Rs.15,000/- (5,000 to wife and 10,000 to child) awarded by the Court below cannot be said to be on the higher side. Hence, we hereby confirm the interim maintenance awarded by the Tribunal. The respondent/husband is directed to pay the entire arrears amount within a period of four weeks.

5. Accordingly, the Civil Miscellaneous Appeal is dismissed. However, the Court below is directed to dispose of the main Original Petition in O.P.No.429/2015 pending on its file, on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To,

The Principal Family Court, Chennai.

+ 1 cc to Mr.Thomas T.Jacob Advocate,SR.57253

+ 1 cc to Mr.G.Ashok Kumar Advocate,SR.57393

C.M.A.1188 of 2017

and

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PPA (CO)

NR 24/10/2017

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