

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 19.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.M.A.No.1703 of 2014
and
M.P.No.1 of 2014

V.Asha

.. Appellant/petitioner

Vs.

T.V.Muthuraman

.. Respondent/Respondent

Civil Miscellaneous Appeal preferred under Section 19 of Family Courts Act, against the order and decree dated 22.04.2014 in I.A.No.2107 of 2013 in F.C.O.P.No.476 of 2012 passed by the learned Principal Judge, Family Court, Chennai.

For Appellant : Ms.Sudha Ramalingam

For Respondent : Mr.K.M.Ramesh

JUDGMENT

[JUDGMENT OF THE COURT WAS DELIVERED BY C.T.SELVAM, J]

The Civil Miscellaneous Appeal has been preferred against against the judgment and decree dated 22.04.2014 in I.A.No.2107 of 2013 in O.P.No.476 of 2012 passed by the learned Principal Judge, Family Court, Chennai.

2. Respondent and appellant are husband and wife. O.P.No.476 of 2012 has been filed under Section 13(1) (ia) of The Hindu Marriage Act, 1955, on the file of learned Principal Judge, Family Court, Chennai, by Appellant/husband seeking dissolution of marriage on the grounds of mental and physical cruelty. I.A.No.2107 of 2013 in O.P.No.476 of 2012 has been filed by respondent/wife, claiming interim maintenance of Rs.20,000/- per month and litigation expenses of Rs.30,000/- under Section 24 of the Hindu Marriage Act. Court below, under order dated 22.04.2014, allowed the said petition and directed the respondent/husband to pay Rs.4,000/- per month to the minor

daughter towards interim maintenance and Rs.5,000/- towards litigation expenses. Against such order, the present appeal has been filed by the appellant/wife.

3. Heard learned counsel for appellant and learned counsel for respondent.

4. Learned counsel for appellant submitted that respondent/husband is earning Rs.86,000/- per month, while the take home salary of the appellant/wife is about Rs.51,000/-. Appellant is not claiming any maintenance for herself. She only seeks a direction towards provision for maintenance for the minor daughter in a larger sum. The daughter is now aged 10 years and studying IV standard in a school of repute. The annual school expenses amounts to Rs.93,000/- per year. Learned counsel further submitted that in the course of cross examination, respondent/husband admitted that he is holding several properties.

5. Learned counsel for respondent submits that proper calculation on the documents now produced before this Court, inform the school expenses to be a sum of Rs.53,000/- per year. He further submits that against his earnings of a sum of Rs.86,000/-, respondent/husband is paying a sum of Rs.27,000/- as EMI towards Housing Loan and after other deductions, take home salary is Rs.32,000/-. Respondent/husband has to take care of his aged parents.

6. Considering rival submissions and taking note of the position that the main O.P.No.476 of 2012 has been pending adjudication before Court below from 06.02.2012, that this Civil Miscellaneous Appeal, which challenges an order of interim maintenance has been pending before this Court over 3 ½ years, this Court considers it appropriate to direct the respondent to effect payment of maintenance in a sum of Rs.8,000/- per month, the same being payable from May 2014. Litigation expenses of Rs.5,000/- awarded by Court below shall be maintained. Court below is directed to dispose of the main O.P.No.476 of 2012 as expeditiously as possible, in any event, not later than four months from the date of receipt of a copy of this order.

7. The observations made herein above are only towards disposal of this revision and shall have no bearing whatsoever on merits of the rival parties as also the sum to be found payable in maintenance at the conclusion of the proceedings.

8. With the above observations and directions, this Civil Miscellaneous Appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

kmi

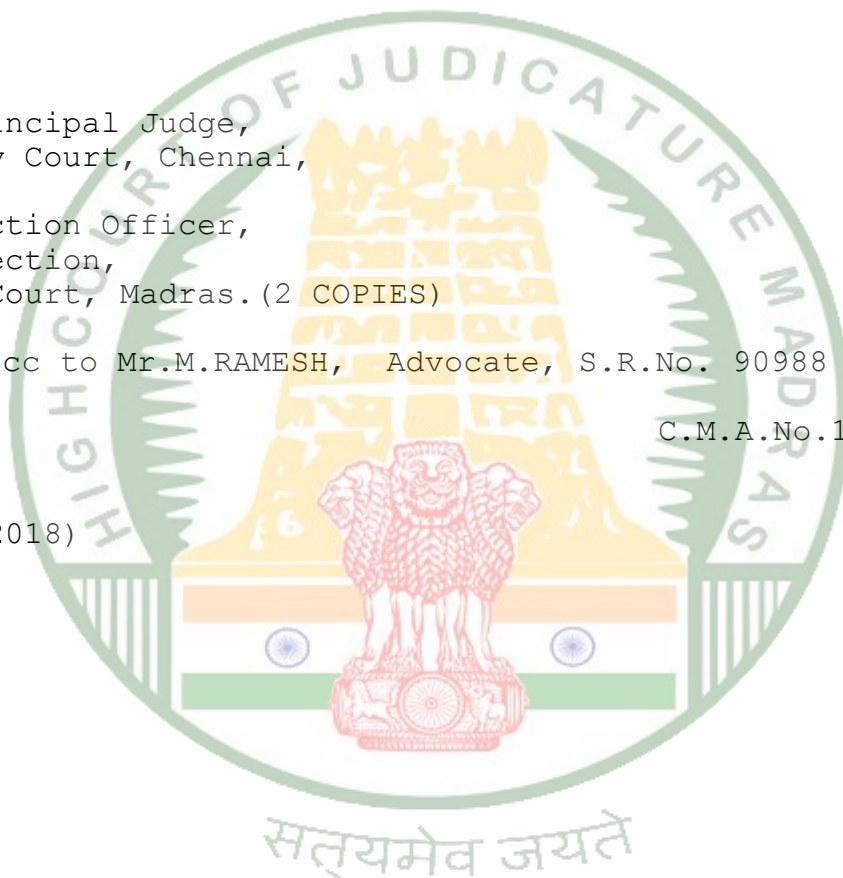
To:

1. The Principal Judge,
Family Court, Chennai,
2. The Section Officer,
V.R.Section,
High Court, Madras.(2 COPIES)

+1cc to Mr.M.RAMESH, Advocate, S.R.No. 90988

C.M.A.No.1703 of 2014

SVI (CO)
TR(26/02/2018)



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