

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2018

Coram

The Hon'ble Mr. Justice A.SELVAM
and
The Hon'ble Mr. Justice G.JAYACHANDRAN

C.M.A.No.14 of 2018
and
C.M.P.No.254 of 2018

P.Kamalakaran .. Appellant/Petitioner

Vs

B.Saranya Devi .. Respondent/Respondent

Civil Miscellaneous Appeal preferred against the judgment and decree dated 06.08.2015, passed in I.A.No.1755 of 2014 in O.P.No.4433 of 2012, on the file of the Principal Family Court, Chennai.

For Appellant .. Mr.G.Ashok Kumar

For Respondent .. Mr.C.Shankar

JUDGMENT

(Judgment of the Court was delivered by A.SELVAM, J.)

This Civil Miscellaneous Appeal is directed against the order dated 6.08.2015, passed in I.A.No.1755 of 2014 in H.M.O.P.No.4433 of 2012, by the Principal Family Court, Chennai.

2.The appellant herein, as petitioner, has filed H.M.O.P.No.4433 of 2012, on the file of the trial Court, for getting a decree of divorce, wherein, the present respondent has been arrayed as sole respondent.

3.During pendency of the same, the respondent, as petitioner, has filed I.A.No.1755 of 2014, under Section 24 of the Hindu Marriage Act, 1955, praying to pass an order of

interim monthly maintenance.

4.The trial Court, after considering the available evidence on record, has allowed the petition in part and thereby directed the respondent therein to pay an interim monthly maintenance of Rs.3000/-, by way of passing the impugned order and the same is being challenged in the present Civil Miscellaneous Appeal.

5.The learned counsel appearing for the appellant/respondent has contended to the effect that the appellant/respondent is not having sufficient means to pay interim monthly maintenance of Rs.3000/-. Under the said circumstances, the impugned order passed in I.A.No.1755 of 2014 is liable to be set aside.

6.The learned counsel appearing for the respondent/petitioner has contended that the appellant/respondent is owning 2 commercial ACE vehicles and thereby is getting sufficient amounts to pay interim monthly maintenance fixed by the trial Court and the trial Court, after considering the overall evidence available on record, has rightly fixed the quantum of interim monthly maintenance by way of passing the impugned order and the same does not require any interference.

7.It is an admitted fact that the respondent/petitioner is the legally wedded wife of the appellant/respondent. It is also equally an admitted fact that the appellant/respondent has filed H.M.O.P.No.4433 of 2012, on the file of the trial Court for getting a decree of divorce. During pendency of the same, the respondent/petitioner has filed I.A.No.1755 of 2014 under Section 24 of the Hindu Marriage Act, 1955, for getting interim monthly maintenance.

8.Considering the relationship between parties and also considering the overall evidence available on record, the trial Court has awarded a sum of Rs.3000/- per mensem towards interim monthly maintenance.

9.Considering the present trend of life and also considering the fact that no document has been filed on the side of the appellant/respondent in respect of his income, this court is of the view that the quantum fixed by the trial Court, as interim monthly maintenance, is quite reasonable and the same does not require any modification and altogether, the present Civil Miscellaneous Appeal deserves to be dismissed.

In fine, this Civil Miscellaneous Appeal is dismissed without costs. The order passed in I.A.No.1755 of 2014 in H.M.O.P.No.4433 of 2012, by the trial Court is confirmed. The

trial Court is directed to dispose of H.M.O.No.4433 of 2012 before the end of March 2018 and report the same to the Registry without fail. Connected miscellaneous petition is dismissed.

Sd/-
ASST. REGISTRAR (CS-VI)

/TRUE COPY/

SUB ASST. REGISTRAR

msk

To

1. The Judge,
The Principal Family Court,
Chennai.
 2. The Section Officer,
Judicial Section,
High Court, Madras.
 3. The Section Officer,
VR Section, High Court,
Madras.
- +1 cc to Mr.C.Shankar, Advocate, SR.NO.4526

C.M.A.No.14 of 2018

KJI (CO)
KAK(03/02/2018)

सत्यमेव जयते

WEB COPY