

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CMA No.1858 of 2018 and
C.M.P.No.14376 of 2018

Badhree Narayan Appellant/Respondent

-vs-

Aruna Respondent/Petitioner

Civil Miscellaneous Appeal filed under Section 19 of the Family Court Act, 1984 against the Fair and Final order dated 20.04.2018 made in I.A.No.581 of 2017 in H.M.O.P.No.985 of 2015 on the file of the Principal Family Judge, Coimbatore.

For Appellant :Mr.Karthik Raja for Mr.A.Esakkiappan
For Respondent :Mr.S.Dhassaiya

J U D G M E N T

[Judgment of the Court was made by
K.K.SASIDHARAN,J.]

The appellant filed a divorce petition in H.M.O.P.No.985 of 2015 before the Principal Family Court, Coimbatore seeking a decree of divorce. The respondent filed H.M.O.P.No.693 of 2015, invoking Section 9 of the Hindu Marriage Act.

2. Before the Trial Court, the respondent filed an application in M.C.No.93 of 2015 for maintenance under Section 125 Cr.P.C. She also filed an application for interim maintenance in I.A.No.581 of 2017 in H.M.O.P.No.985 of 2015. The learned Principal Judge, Family Court, Coimbatore, on a consideration of the entire factual matrix directed the appellant to pay a sum of Rs.20,000/- per month towards interim maintenance. The said order is under challenge at the instance of the appellant.

3. We have heard the learned counsel for the appellant. Mr.S.Dhassaiya, learned counsel takes notice on behalf of the respondent.

4. The matrimonial proceedings in H.M.O.P.No.985 of 2015 was initiated by the appellant. It was only thereafter, the respondent initiated proceedings in H.M.O.P.No.693 of 2015 for restitution of conjugal rights.

5. The respondent filed an application in I.A.No.581 of 2017 in H.M.O.P.No.985 of 2015 claiming interim maintenance. The learned Trial Judge on a consideration of the evidence on record and more particularly Ex.P1 found that the appellant was earning a sum of Rs.5 lakhs as salary per month. The learned Judge therefore fixed the interim maintenance at Rs.20,000/- per month.

6. The appellant in the present appeal took up a contention that the learned Principal Judge, Family Court, fixed the maintenance without any basis or documents. However, it is a matter of record that even the appellant had admitted in his counter that he was earning a sum of Rs.3 lakhs per month as salary. The learned Judge, Family Court, exercised the discretion on the basis of the materials available on record and more particularly, the documents relating to the employment of the appellant as a Software Engineer in CA Technologies, Atlanta, United States of America and arrived at a conclusion that the appellant is earning a considerable amount and awarded maintenance. The order was passed on the basis of the relevant materials. We do not find any reason to interfere with the said order.

7. In the upshot, we dismiss the Civil Miscellaneous Appeal. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(VIII)

// True Copy//

Sub Assistant Registrar

svki
To
Principal Family Judge,
Coimbatore.

+1cc to Mr.A.Esakkiapan, Advocate SR.No.59473
+2cc to Mr.s.Dhassaiya, Advocate, S.R.No. 58556(01/10/2018)

CMA No.1858 of 2018

PA(CO)
RMP(19/09/2018)