

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 01.03.2018
CORAM
THE HON'BLE Mr.JUSTICE A.SELVAM
AND
THE HON'BLE Mr.JUSTICE P.KALAIYARASAN
C.M.A.No.187 of 2018
and C.M.P.No.2221 of 2018

V.Churchil ... Appellant/Respondent/
Petitioner

Vs

Kasturi ... Respondent/Petitioner/
Respondent

Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act, 1984, against the order dated 22.12.2017 passed by the V Additional Family Court, Chennai, in I.A.No.1399 of 2017 in O.P.No.3428 of 2013.

For Petitioner : Mr.M.Saravanakumar
for Mr.P.Mohanraj
For Respondent : Mr.M.Devendran

J U D G M E N T

[Judgment of the Court was delivered by A.SELVAM., J.]

This Civil Miscellaneous Appeal has been directed against the order dated 22.12.2017, passed in I.A.No.1399 of 2017 in O.P.No.3428 of 2013, by the V Additional Family Court at Chennai.

2.The appellant herein, as petitioner, has filed O.P.No.3428 of 2013, on the file of the trial Court, for getting a decree of divorce, wherein, the present respondent has been shown as sole respondent.

3.During pendency of the same, the respondent [wife], as petitioner, has filed I.A.No.1399 of 2017 under Section 24 of the Hindu Marriage Act, 1955, praying to direct the respondent therein to pay interim monthly maintenance of Rs.10,000/- and also litigation expenses of Rs.15,000/-.

4.The trial Court, after considering the available evidence on record, has directed the respondent [husband] therein to pay interim monthly maintenance of Rs.7,000/- 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/husband has contended to the effect that the appellant/husband has been drawing a monthly salary of Rs.9,000/- and further, he is bound to care his old age mother and under the said circumstances, the quantum of interim montly maintenance arrived at by the trial Court is excessive and therefore, the impugned order passed by the trial Court is liable to be modified.

6.Per contra, the learned counsel appearing for the respondent/wife has contended to the effect that the appellant/husband has been drawing a monthly salary of Rs.35,000/- and under the said circumstances, the trial Court 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.Even though it has been contended to the effect that the appellant/husband has been drawing a monthly salary of Rs.9,000/-, no document has been filed for the scrutiny of this Court.

8.Considering the fact that the respondent is the legally wedded wife of the appellant and also considering the present trend of life, the quantum of interim monthly maintenance awarded by the trial Court is not excessive and the same is just and reasonable and therefore, the present Civil Miscellaneous Appeal deserves to be dismissed.

In fine, this Civil Miscellaneous Appeal is dismissed without costs. The order passed by the trial Court in I.A.No.1399 of 2017 in O.P.No.3428 of 2013 is confirmed. However, the trial Court is directed to dispose of O.P.No.3428 of 2013 before the end of June 2018 and report the same to the Registry without fail. Connected miscellaneous petition also dismissed.

सत्यमेव जयते

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

gya

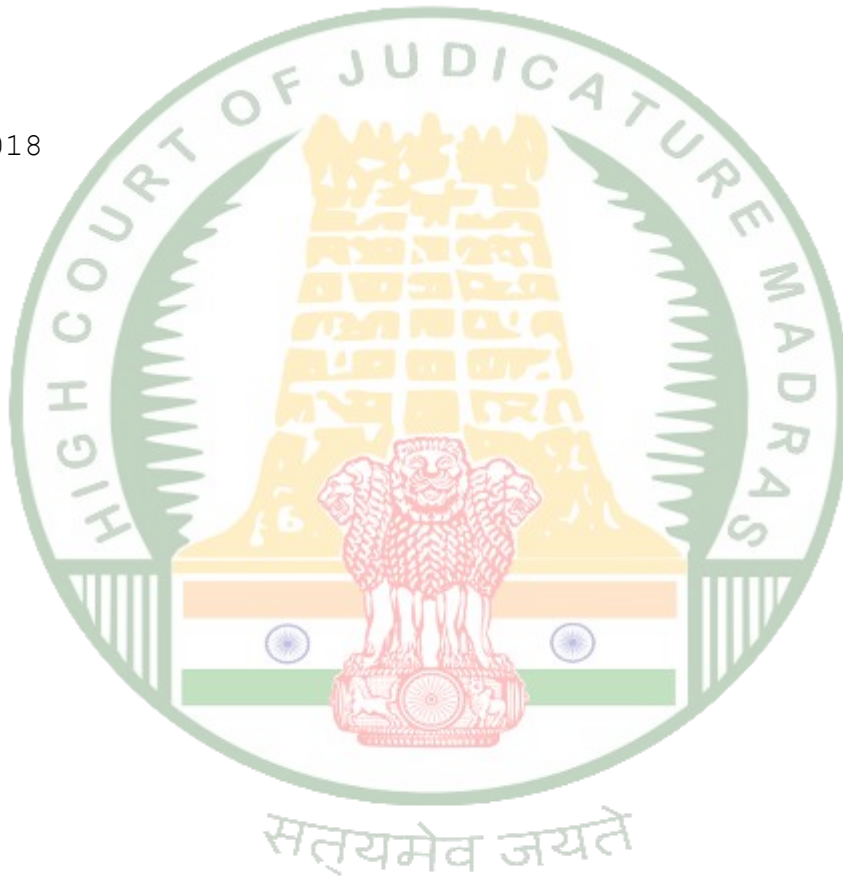
To
1.The V Additional Family Court,
Chennai,

2.The Section Officer
Judicial Department
High Court, Madras

+1 cc to M/s.P.Mohan Raj Advocate sr 16525
+1 cc to M/s.M.Devendran advocate sr 15671

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