

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2018

CORAM:

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

C.M.A.No.2006 of 2018

Rajalakshmi

... Appellant/Petitioner/ Respondent

versus

Thiruvengkatesan

... Respondent/Respondent/ Petitioner

PRAYER: Civil Miscellaneous Appeal filed against the fair and decretal order dated 11.12.2017 in I.A.No.3054 of 2017 in HMOP No.1970 of 2016 on the file of VI Additional Family Judge, Chennai.

For appellant : Ms.M.E.V.Thulasi
For respondents : Mrs.A.Arulmozhi

J U D G M E N T

(made by K.K.SASIDHARAN, J.)

The petitioner in the interlocutory application in I.A.No.3054 of 2017 in HMOP No.1970 of 2016 on the file of the VI Additional Family Court, Chennai, has come up with this miscellaneous application, dissatisfied with the quantum of maintenance awarded by the Family Court.

2. The respondent filed original petition in HMOP No.1970 of 2016 for dissolving the marriage on the ground of cruelty. The original petition was opposed by the appellant by filing counter affidavit.

3. Before the trial Court, the appellant filed an interlocutory application, claiming interim maintenance at the rate of Rs.30,000/- p.m., besides litigation expenses. The Family Court, notwithstanding the objection raised by the respondent, awarded a sum of Rs.15,000 p.m. to the appellant as interim maintenance, besides a sum of Rs.10,000/- towards

litigation expenses. Feeling aggrieved by the quantum of maintenance, the appellant has come up with this appeal.

4. When this appeal came up for hearing on 7 September 2018, the learned counsel for the respondent submitted that in addition to the payment of maintenance, the respondent has also been taking care of the educational and other incidental expenses of the child. The learned counsel further submitted that in addition to payment of the present maintenance amount, the respondent is prepared to reimburse the amount spent for the child. We therefore directed the respondent to file an affidavit.

5. The respondent in his affidavit dated 11 September 2018, submitted that he has been receiving a monthly salary of Rs.89,870/- after deduction of tax and loan. According to the respondent, he has been paying the annual tuition fees and uniform fees to his son, besides meeting other incidental expenses. The respondent agreed to bear all the expenses of his son. The respondent agreed to pay a sum of Rs.15,000/- p.m. towards maintenance of the appellant.

6. The learned counsel for the appellant contended that the respondent is working as Deputy General Manager in Steel Authority of India Ltd., and he is receiving a fabulous sum as salary. According to the appellant, it would not be possible to maintain the family with a meagre sum of Rs.15,000/-. The learned counsel submitted that in case the respondent is agreeable for meeting the educational expenses of the child, the appellant would be agreeable for fixing the reasonable amount towards her maintenance.

7. The learned counsel for the respondent fairly submitted that the respondent is prepared to pay a reasonable amount as maintenance besides meeting the educational expenses of the child.

8. The appellant is occupying a managerial position in Steel Authority of India at its Salem plant. The salary certificate of the appellant indicates that his take home salary is a sum of Rs.89,870/-. The appellant is not employed. Besides maintaining herself, she has to take care of the child.

9. The respondent has given an undertaking that he would meet all the educational and other incidental expenses of the child. The respondent is prepared to reimburse the amount spent by the appellant. The said undertaking is recorded.

10. The trial Court fixed the maintenance at Rs.15,000/- p.m. Taking into account the salary received by the respondent, and all other relevant background facts, we fix the monthly maintenance at Rs.20,000/- (Rupees Twenty Thousand only). The amount of Rs.20,000/- shall be paid from January 2018. The arrears shall be paid within a period of three months in installments. The respondent must bear all the educational and other incidental expenses of the child.

11. The decree dated 11 December 2017 is modified. The civil miscellaneous appeal is allowed to the extent indicated above. No costs. Consequently, C.M.P.No.15612 of 2018 is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

tar

To

The VI Additional Family Judge, Chennai.

+1cc to Mr.M.E,V.Thulasi, Advocate, S.R.No.63261

+1cc to Mr.A.Arulmuzhi, Advocate, S.R.No.63134

C.M.A.No.2006 of 2018

KS(CO)

GSP(30/10/2018)

सत्यमेव जयते

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