

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.02.2018

CORAM

THE HON'BLE Mr.JUSTICE A.SELVAM

AND

THE HON'BLE Mr.JUSTICE P.KALAIYARASAN

C.M.A.No.2605 of 2015

S.Premnath

...Appellant/Respondent

Vs

Saranya

...Respondent/Petitioner

Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act, 1984, against the order dated 13.08.2015 passed by the Additional Principal Family Court, Coimbatore, in I.A.No.399 of 2015 in H.M.O.P.No.920 of 2013.

For Petitioner : Mr.R.Sreerangan

For Respondent : Mr.S.Arjun

for Mr.S.Gunalan

J U D G M E N T

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

This Civil Miscellaneous Appeal is directed against the order dated 13.08.2015, passed in I.A.No.399 of 2015 in H.M.O.P.No.920 of 2013, by the Additional Principal Family Court, Coimbatore.

2.The appellant herein, as petitioner, has filed H.M.O.P.No. 920 of 2013, on the file of the trial Court, praying to pass a decree of divorce, wherein, the present respondent has been arrayed as sole respondent.

3.During pendency of the same, the respondent herein, as petitioner, has filed I.A.No.399 of 2015 under Section 24 of the Hindu Marriage Act, 1955, praying to direct the respondent therein to pay interim monthly maintenance of Rs.25,000/- and also litigation expenses of Rs.50,000/-.

4.The trial Court, after considering the available evidence on record, has partly allowed I.A.No.399 of 2015, whereby, directed the respondent therein to pay interim monthly maintenance of Rs.12,000/- and Rs.10,000/- as litigation expenses, 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.16,000/-, whereas, the respondent/wife is drawing a monthly salary of Rs.25,000/- and the trial Court, without considering the aforesaid factual aspect, has erroneously directed the appellant/husband to pay interim monthly maintenance of Rs.12,000/- and litigation expenses of Rs.10,000/-, by way of passing the impugned order and the same is liable to be modified.

6.The learned counsel appearing for the respondent/wife has contended to the effect that the respondent/wife is now in her parents house and now she is not getting any monthly income and under the said circumstances, the order passed by the trial Court does not need any interference.

7.Even though it has been contended on the side of the appellant/respondent to the effect that he has been drawing a monthly salary of Rs.16,000/- and the respondent has been drawing a monthly salary of Rs.25,000/-, no document has been filed for the scrutiny of this Court.

8.Considering the fact that no document has been filed on the side of the appellant/respondent in support of the contentions raised on his side, this Court is of the view that the contention put forth on the side of the appellant/respondent cannot be accepted.

9.Considering the available evidence on record, the trial Court, has rightly directed the respondent/husband to pay interim monthly maintenance of Rs.12,000/- and Rs.10,000/- towards litigation expenses and altogether 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.399 of 2015 is confirmed. However, the trial Court is directed to dispose of H.M.O.P.No.920 of 2013 before the end of April 2018, if H.M.O.P.No.920 of 2013 is pending on its file and report the same to the Registry without fail.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

gya

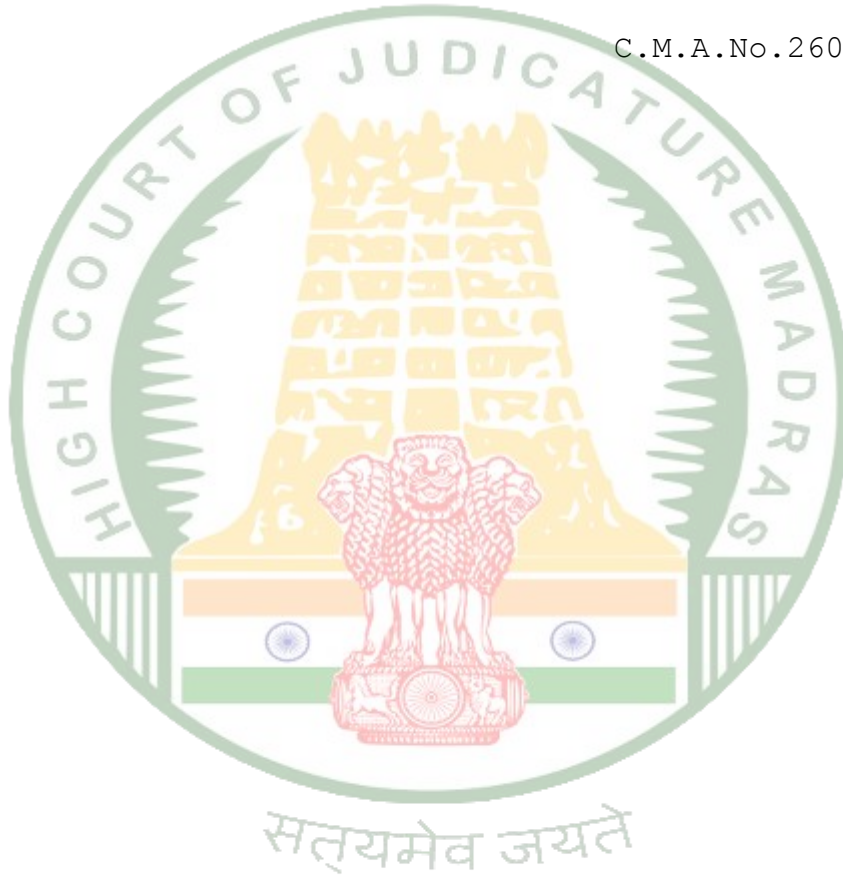
To
The Additional Principal Family Judge,
Coimbatore.

+1cc to Mr.R.Sreerangam, Advocate SR.No.11939

+1cc to Mr.Gunalan, Advocate SR.No.12133

MG (CO)
sm:2.3.2018

C.M.A.No.2605 of 2015



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