

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2018

CORAM:

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

C.M.A.No.2166 of 2018 and
C.M.P.No.16916 of 2018

R.Bharathkumar ...Appellant

-vs-

K.Mahalakshmi ... Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act, 1984 against the Order and Decree dated 24.07.2018 made in I.A.No.48 of 2018 in O.P.No.201 of 2017 on the file of the Family Court, Vellore.

For Appellant : Mr.P.Srinivas

J U D G M E N T

[Judgment of the Court was delivered by

K.K.SASIDHARAN, J.]

This Civil Miscellaneous Appeal is directed against the order dated 24 July 2018 in I.A.No.48 of 2018 in F.C.O.P.No.201 of 2017, whereby and where under, the learned Judge, Family Court, Vellore, passed an interim order directing the appellant to pay maintenance to the respondent at the rate of Rs.5,000/- per month during the currency of the proceedings in F.C.O.P.No.201 of 2017.

2. The appellant initiated proceedings in F.C.O.P.No.201 of 2017 praying for a decree of divorce to dissolve the marriage with the respondent. In the said proceedings, the respondent filed an application in I.A.No.48 of 2018 claiming maintenance at the rate of Rs.15,000/- per month. The learned Trial Judge having found that in the original petition filed by the appellant, it was mentioned that he was employed in a Bazaar at Vellore and he was earning a sum of Rs.250/- per day and taking into account the fact that the respondent is unemployed, awarded

a sum of Rs.5,000/- towards interim alimony and another sum of Rs.10,000/- towards litigation expenses.

3. The learned Trial Judge while passing the order of maintenance found that the appellant manipulated records to show that he was not employed. The learned Judge therefore in exercise of the discretion and on the basis of the materials available on record awarded a sum of Rs.5,000/- per month towards interim alimony. We are of the view that the order passed by the learned Trial Judge does not warrant interference, as it is purely a discretionary order taking note of the materials available on record.

4. We therefore dismiss the Civil Miscellaneous Appeal. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

The Family Court,
Vellore.

+lcc to Mr.P.Srinivas, Advocate sr.65890

C.M.A.No.2166 of 2018

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