

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2018

Coram

The Hon'ble Mr. Justice A.SELVAM
and
The Hon'ble Mr. Justice P.KALAIYARASAN

C.M.A.No.2942 of 2017
and
C.M.P.No.3109 of 2018

K.R.Sridevi .. Appellant/Petitioner/
Respondent

Vs

R.Covindarassou ... Respondent/Respondent/
Petitioner

Civil Miscellaneous Appeal preferred against the judgment and decree dated 19.04.2017 passed in I.A.No.382 of 2016 in O.P.No.2521 of 2015, on the file of the II Additional Family Court, Chennai.

For Appellant ... Mr.T.C.S.Raja Chockalingam

For Respondent... No appearance

JUDGMENT

(Judgment of the Court was delivered by A.SELVAM, J.)

This Civil Miscellaneous Appeal has been directed against the order dated 09.04.2017, passed in I.A.No.382 of 2016 in O.P.No.2521 of 2015, by the II Additional Principal Court, at Chennai.

2.The respondent herein, as petitioner, has filed O.P.No.2521 of 2015, on the file of the trial Court, praying to pass a decree of divorce, wherein, the present appellant has been shown as sole respondent.

3.During pendency of the same, the respondent, as petitioner, has filed I.A.No.382 of 2016, under Section 24 of the Hindu Marriage Act, 1955, praying to pass an order of

interim monthly maintenance to the tune of Rs.30,000/- to the petitioner and Rs.20,000/- to the minor female child.

4.The trial Court, after considering the available evidence on record, has allowed the petition in part and thereby directed the respondent to pay a sum of Rs.6000/- to the petitioner and Rs.5000/- to the child as interim monthly maintenance, 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 has contended to the effect that the respondent/husband has been drawing a monthly salary of Rs.1 lakh and the trial Court, without considering the monthly salary of the respondent, has erroneously awarded a meager amount as interim monthly maintenance both to the petitioner and female child. Under the said circumstances, the quantum fixed by the trial Court is liable to be enhanced.

6.The learned counsel appearing for the respondent is not present.

7.On the side of the respondent C.M.P.No.3109 of 2018 has been filed so as to adduce additional evidence. Along with C.M.P.No.3109 of 2018, a copy of the salary certificate of the respondent is annexed and the same is marked as Ex.R1.

8.In Ex.R1 it has been clearly stated that the respondent/husband has been drawing a monthly salary of Rs.42,599/- and so many deductions are made.

9.Considering the quantum of monthly salary of the respondent/husband and also considering the fact that female child is under the care and custody of the petitioner, this Court is of the view that in aggregation, the respondent can be directed to pay an interim monthly maintenance of Rs.15,000/- (Rupees Fifteen Thousand only). With the above modification, this Civil Miscellaneous Appeal is liable to be allowed in part.

In fine, this Civil Miscellaneous Appeal is allowed in part without costs. The order passed in I.A.No.382 of 2016, in O.P.No.2521 of 2015 is modified as follows:

The respondent/husband is directed to pay a sum of Rs.15,000/- (Rupees Fifteen Thousand only) per mensem as interim monthly maintenance both to the petitioner and child. In other aspects there is no modification. The trial Court is directed to dispose of the O.P.No.2521 of 2015 before the end of April 2018 and report the same to the registry without fail.

Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

msk

To
The II Additional Principal Judge
II Additional Family Court, Chennai.

copy to

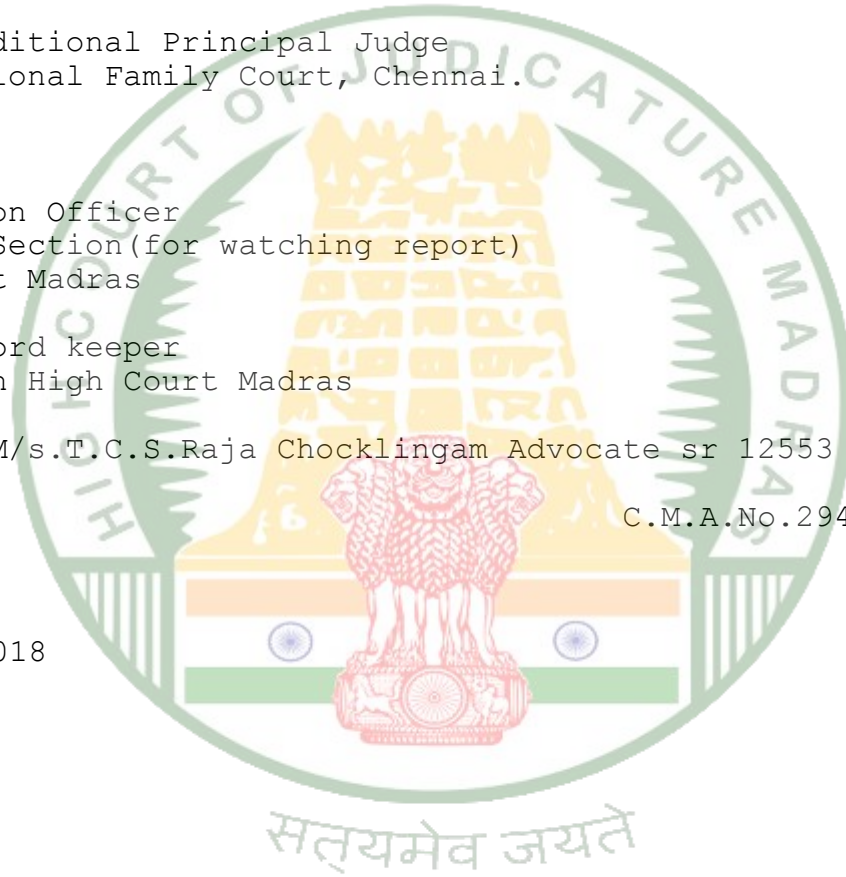
The Section Officer
Judicial Section(for watching report)
High Court Madras

2.The Record keeper
VR Section High Court Madras

+1 cc to M/s.T.C.S.Raja Chocklingam Advocate sr 12553

C.M.A.No.2942 of 2017

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