

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2018

CORAM

THE HON'BLE MR. JUSTICE A.SELVAM
AND
THE HON'BLE MR. JUSTICE N.AUTHINATHAN

C.M.A.NO.3202 OF 2017
AND
C.M.P.NO.19719 OF 2017

K.Jawahar .. Appellant/Petitioner

Vs

J.Lalitha .. Respondent/Respondent

Civil Miscellaneous Appeal preferred against the order dated 10.10.2017 made in I.A.No.808 of 2017 in O.P.No.4025 of 2015, on the file of the VI Additional Judge, Family Court, Chennai.

For Appellant ... Mr.K.B.Vivekanandhan

For Respondent .. Ms.R.Aparna

JUDGMENT

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

This Civil Miscellaneous Appeal is directed against the order dated 10.10.2017, passed in I.A.No.808 of 2017 in O.P.No.4025 of 2015, by the Family Court, Chennai.

2.The appellant herein, as petitioner, has filed O.P.No.4025 of 2015, on the file of the trial Court, praying to pass a decree of divorce, wherein the present respondent has been shown as respondent.

3.During pendency of the same, the respondent, as petitioner, has filed I.A.No.808 of 2017, under Section 24 of the Hindu Marriage Act, 1955, praying to pass an order of interim monthly maintenance.

4.The trial Court, after considering the divergent contentions raised on either side, has allowed the petition in part and thereby directed the respondent therein to pay an

interim monthly maintenance of Rs.10,000/- 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/respondent has contended to the effect that the appellant/respondent is not having permanent income and under the said circumstances, the quantum of amount fixed by the trial Court as interim monthly maintenance is exorbitant and the same is liable to be modified.

6.In order to controvert the contention put forth on the side of the appellant/respondent, the learned counsel appearing for the respondent/petitioner has contended to the effect that the appellant/respondent is having a concubine and now he is living with her and further, he is having attractive monthly income. Under the said circumstances, the quantum of amount fixed by the trial Court is just and reasonable and therefore, the quantum of amount fixed by the trial Court need not be modified.

7.It is an admitted fact that the appellant/respondent, as petitioner, has filed O.P.No.4025 of 2015, on the file of the trial Court for getting decree of divorce on the ground of desertion. Further it is an admitted fact that I.A.No.808 of 2017 has been filed under Section 24 of the Hindu Marriage Act, 1955, by the respondent, as petitioner.

8.The trial Court, after considering the rival contentions put forth on either side, has directed the respondent therein to pay an interim monthly maintenance of Rs.10,000/-.

9.Considering the present trend of life and also prices of barest things, the quantum of amount fixed by the trial Court is not exorbitant. Under such circumstances, the present civil miscellaneous appeal deserves to be dismissed.

In fine, this Civil Miscellaneous Appeal is dismissed without costs. The order passed in I.A.No.808 of 2017 in O.P.No.4025 of 2015 by the trial Court is confirmed. Connected miscellaneous petition is dismissed.

Sd/-

Assistant Registrar(CS VIII)

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Sub Assistant Registrar

msk

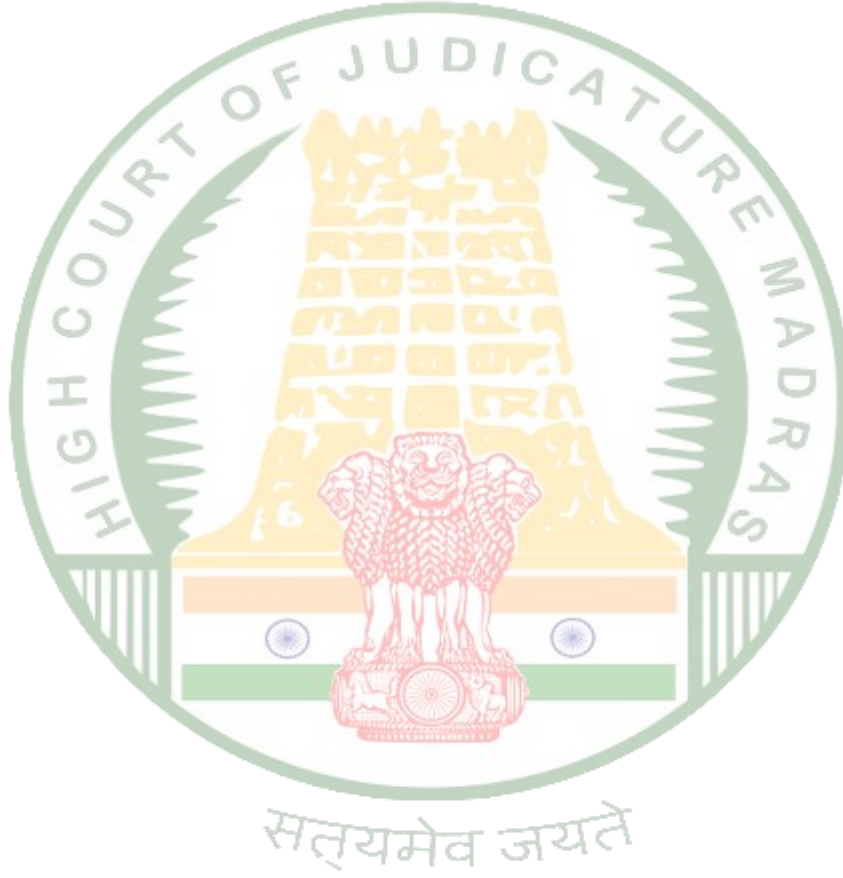
To

VI Additional Judge,
Family Court,
Chennai.

+1cc to Mr.K.B.Vivekanandhan, Advocate, S.R.No.2670

C.M.A.No.3202 of 2017

SR(CO)
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