

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.01.2018

CORAM

THE HON'BLE Mr.JUSTICE A.SELVAM
and
THE HON'BLE Mr.JUSTICE G.JAYACHANDRAN

C.M.A.No.3336 of 2017
and C.M.P.No.21134 of 2017

L.Saravanan ... Appellant

Vs.

K.V.Devi Respondent

Civil Miscellaneous Appeal preferred under Section 19 of the Family Courts Act praying to set aside the order dated 25.07.2017 passed in I.A.No.115 of 2017 in F.C.H.M.O.P.No.35 of 2017 by the Family Court, Dharmapuri.

For Appellant : Mr.B.Sundarapandiyar
For Respondent : Mr.Arun Anbumani

J U D G M E N T

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

This Civil Miscellaneous Appeal has been directed against the order dated 25.07.2017, passed in I.A.No.115 of 2017 in F.C.H.M.O.P.No.35 of 2017, by the Family Court, Dharmapuri.

2.The appellant herein, as petitioner, has filed F.C.H.M.O.P.No.35 of 2017, 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[wife], as petitioner, has filed I.A.No.115 of 2017, on the file of the trial Court under Section 24 of the Hindu Marriage Act, 1955, praying to pass an order of interim monthly maintenance to the tune of Rs.17,500/- and also Rs.20,000/- towards litigation expenses.

4.The trial Court, after considering the available evidence on record, has partly allowed I.A.No.115 of 2017 and thereby, directed the respondent therein to pay interim monthly

maintenance at the rate of Rs.8,000/-, 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 both the appellant and respondent have uniformly represented to the effect that the respondent[Wife]/petitioner is willing to get Rs.6,000/- per mensem by way of interim monthly maintenance and the appellant [husband]/respondent is also willing to pay the same.

6.Considering the joint representation made by the learned counsel appearing for both sides, this Court is inclined to modify the order passed in I.A.No.115 of 2017 by the trial Court as indicated infra.

In fine, this Civil Miscellaneous Appeal is allowed in part without costs. The order passed in I.A.No.115 of 2017 in F.C.H.M.O.P.No.35 of 2017 by the trial Court is modified as follows:

The appellant[husband]/respondent is directed to pay interim monthly maintenance of Rs.6,000/-. In other aspects, there is no modification. The trial Court is directed to dispose of F.C.H.M.O.P.No.35 of 2017 before the end of March 2018 and report the same to the registry without fail. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

gya

To

1. The Judge, The Family Court, Dharmapuri.
2. The Section Officer,
Judicial Department,
High Court, Madras-104

+1cc to Mr.B.Sundarapandiyam, Advocate, S.R.No.6160

+1cc to Mr.Arun Anbumani, Advocate, S.R.No.6286

C.M.A.No.3336 of 2017
and
C.M.P.No.21134 of 2017

PA(CO)
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