

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2018

CORAM:

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

CMA.No.2323 of 2018

M.Senthil Kumar

... Appellant

-vs-

Devasena

... Respondent

Civil Miscellaneous Appeal filed under Section 19 of the Family Court Act, against the Judgment and decree dated 28.04.2018 made in IA No.3067 of 2013 in O.P.No. 4323 of 2011, on the file of the VII Additional Principal Judge, Family Court, at Chennai.

For Appellant : Ms. R.S.Akila
for M/s. Sudha Ramalingam

For Respondent : Mr. K.R.Ramesh Kumar

J U D G M E N T

[Judgment of the Court delivered by R.SUBRAMANIAN,J.]

The challenge in this appeal is to the order of interim maintenance made under Section 24 of the Hindu Marriage Act by the 7th Additional Family Court, Chennai, directing the appellant to pay a sum of Rs.25,000/- per month towards maintenance from 03.11.2012 to 2014, and a sum of Rs.25,000/- towards litigation expenses.

2. The Original Petition in OP No.4323 of 2011 was filed by the husband seeking divorce on the ground of cruelty under Section 13(1)(ia) of the Hindu Marriage Act. Pending the said Original Petition, the respondent wife came forward with an Application in IA No.3067 of 2013 seeking interim maintenance.

3. The husband resisted the said claim contending that though, the wife is educated she has deliberately not taken up a job. He would also contend that she is more affluent and she residing at palatial residential apartment at Chennai. According to him, he does not have any other income than his monthly salary. It was further contended by the husband that the pending application the wife has taken up a job in Cognizant Technology Solutions India Pvt Ltd., in HR Department and she is drawing a salary of Rs.60,000/- per month. Considering the fact that the wife has taken up an employment and she was earning Rs.60,000/- per month, the Family Court had awarded a maintenance at Rs.25,000/- per month from the date of filing of the petition i.e., 03.11.2012 to 31.12.2014, apart from granting litigation expenses of Rs.25,000/-.

4. Aggrieved by the said order the husband has come up with the above appeal.

5. It is an admitted fact that her husband is employed in Ashok Leyland Limited drawing a monthly pay of Rs.1,83,982/-. Considering the same, we do not find any reason to interfere with quantum of maintenance awarded by the Family Court.

6. However, Ms.R.S. Akila, learned counsel appearing for the appellant would strenuously contend that the wife has suppressed the fact that she was employed and therefore she is not entitled to maintenance. We find that the Family Court had taken note of the fact that the wife had taken up a subsequent employment and has awarded maintenance only up to December 2014. Therefore, the said contention of the learned counsel does not deserve any consideration. Hence the Appeal is dismissed. However, there will be no order as to costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

jv

To

The VII Additional Principal Judge,
Family Court, at Chennai.

+1cc to Mr.K.R.Ramesh Kumar, Advocate, S.R.No.69402

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SS (CO)
CS/12/11/2018