

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2018

CORAM:

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

C.M.A.No.2366 of 2018 and
C.M.P.No.18012 of 2018

K.Sundar

...Petitioner

-vs-

S.Vijayashree

... Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 19 of The Family Courts Act, 1984, to set aside the fair and decreetal order dated 21.11.2017 passed in IA.No.454 of 2014 in OP No.844 of 2014 on the file of the VI Additional Family Court, Chennai.

For Petitioner : Ms.S.P.Arthi

For Respondent : Mr.P.Bakiyaraj

J U D G M E N T

[Judgment of the Court was delivered by
K.K.SASIDHARAN, J.]

Mr.P.Bakiyaraj, learned Counsel takes notice on behalf of the respondent. By consent of parties, the Civil Miscellaneous Appeal is taken up for final disposal.

2. This Civil Miscellaneous Appeal is directed against the order dated 21 November 2017 in I.A.No.454 of 2014 in O.P.No.844 of 2014 in and by which, the appellant was directed to pay interim maintenance at the rate of Rs.10,000/- per month.

3. The appellant initiated proceedings for divorce in O.P.No.844 of 2014. In the said original petition, the respondent filed an application for interim maintenance. The learned Trial Judge having found that the appellant is employed in Southern Railway and that the respondent is unemployed directed him to pay maintenance at the rate of Rs.10,000/-

4. Though a contention was taken by the appellant that the

respondent is beneficially employed, not even a single document was produced before the Court below to substantiate the said contention. Even in the present appeal, not even a scrap of paper was produced by the appellant to demonstrate that the respondent is also employed or that she is getting reasonable amount from an independent avocation.

5. The learned Trial Judge in exercise of the discretion granted maintenance and that too on the basis of the materials available on record.

6. The learned Counsel for the appellant contended that the appellant has to take care of his ailing mother also and as such, it would not be possible for him to pay maintenance at the rate of Rs.10,000/-.

7. Though there are no documents produced by the appellant to substantiate the contention as indicated above, still, we are of the view that a reasonable reduction should be given in the maintenance awarded by the Court below. We therefore fix the maintenance at the rate of Rs.8,000/- per month. The appellant is directed to pay the arrears of maintenance at the rate of Rs.8,000/- within an outer time limit of three months. The arrears should be paid in addition to the maintenance amount at the rate of Rs.8,000/- per month.

8. The Civil Miscellaneous Appeal is allowed to the extent indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

svki/pds

To

The VI Judge,
VI Additional Family Court, Chennai.

+1cc to Ms.S.P.Arthi, Advocate, S.R.No.70963
+3cc to Mr.P.Bakiyaraj, Advocate, S.R.No.70427

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EV(CO)
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