

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2018

CORAM:

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

CMA No.2259 of 2018
CMP No.17295 of 2018

I.Vencent

... Appellant

-vs-

John Mary

.... Respondent

Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act, against the Order dated 05.01.2018 made in I.A.No.733 of 2017 in O.P.No.4226 of 2015 on the file of the IV Additional Family Court, Chennai.

For Appellant : Mrs.Veena Patrik
for M/s.Auxilia Peter

For Respondent : M/s.S.Jothivani

J U D G M E N T

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

This Civil Miscellaneous Appeal is directed against the order dated 5 January 2018 in I.A.No.733 of 2017 in F.C.O.P.No.4226 of 2015, whereby and where under, the learned IV Additional Judge, Family Court, Chennai awarded interim maintenance at the rate of Rs.7,000/- per month to the respondent.

2. The matrimonial proceedings in F.C.O.P.No.4226 of 2015 was initiated by the appellant before the Family Court, Chennai, praying for a decree of divorce. In the said proceedings, the respondent filed an interlocutory application in I.A.No.733 of 2017 claiming maintenance at the rate of Rs.10,000/- per month.

3. The learned Trial Judge found that the respondent was not having necessary means to maintain her. The Court also found that the appellant was employed as an Office Assistant in the office of the Sub-Registrar, Saidapet. His salary was found to be a sum of Rs.30,303/- per month. The learned Judge, Family

Court, therefore by exercising the discretion awarded a sum of Rs.7,000/- per month towards maintenance.

4. The materials available on record very clearly shows that the respondent was not having any means and the same made her to file an application for interim maintenance. The Salary Certificate produced before the Court below clearly indicates the salary received by the appellant. Though the appellant was receiving a sum of Rs.30,303/-, the Trial Court awarded only a sum of Rs.7,000/- per month. Given the present day circumstances, we are of the view that the maintenance awarded by the Lower Court is not on the higher side so as to give a cause of action to the appellant to challenge the order. We therefore confirm the order passed by the Family Court.

5. In the upshot, we dismiss the Civil Miscellaneous Appeal without any liability to pay costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CO)

//True copy//

Sub Assistant Registrar

svki

To

The IV Additional Principal Judge,
IV Additional Family Court, Chennai.

+1cc to M/s.B.Anitha, Advocate SR.No.67193

+1cc to M/s.Auxilia Peter*, Advocate SR.No.67354

CMA No.2259 of 2018

GMV (17/10/2018)

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