

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 15.02.2019

Coram

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR. JUSTICE C.SARAVANAN

C.M.A.No.266 of 2015
and
M.P.No.1 of 2015

Dr.Ilango

.. Appellant

vs.

Jothi

.. Respondent

Appeal filed under Section 19 of the Family Courts Act, 1984 against the fair and decretal order passed in I.A.No.555 of 2011 in O.P.No.2794 of 2010 dated 24.01.2013 on the file of the III Additional Family Court, Chennai.

For Appellant : Mr.E.K.Kumaresan

For Respondent : Mr.S.Vasudevan

JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

This appeal is directed against the order of the Court below granting interim maintenance by taking into consideration the fact that the minor child is born out of the wedlock.

2.Admittedly, the appellant is a doctor by profession. There is no material to show that the respondent is gainfully employed elsewhere nor having sufficient means to take care of herself. The fact that the child is born out of the wedlock is not in dispute. Therefore, the objection raised by the learned counsel for the appellant that any amounts awarded by the Family Court in favour of the child would not come within the purview of Section 24 of the Hindu Marriage Act cannot be sustained. After all, what is important is the interim maintenance sufficient enough to sustain day to day activities of the respondent, which includes taking care of the child.

3.In such view of the matter, we are of the view that the order of the Court below requires no interference. Taking into consideration the pendency of the case in O.P.No.2794 of 2010

for more than a decade, the III Additional Family Court, Chennai is directed to dispose of the same within a period of six months from the date of receipt of a copy of this order.

4.With the above direction, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

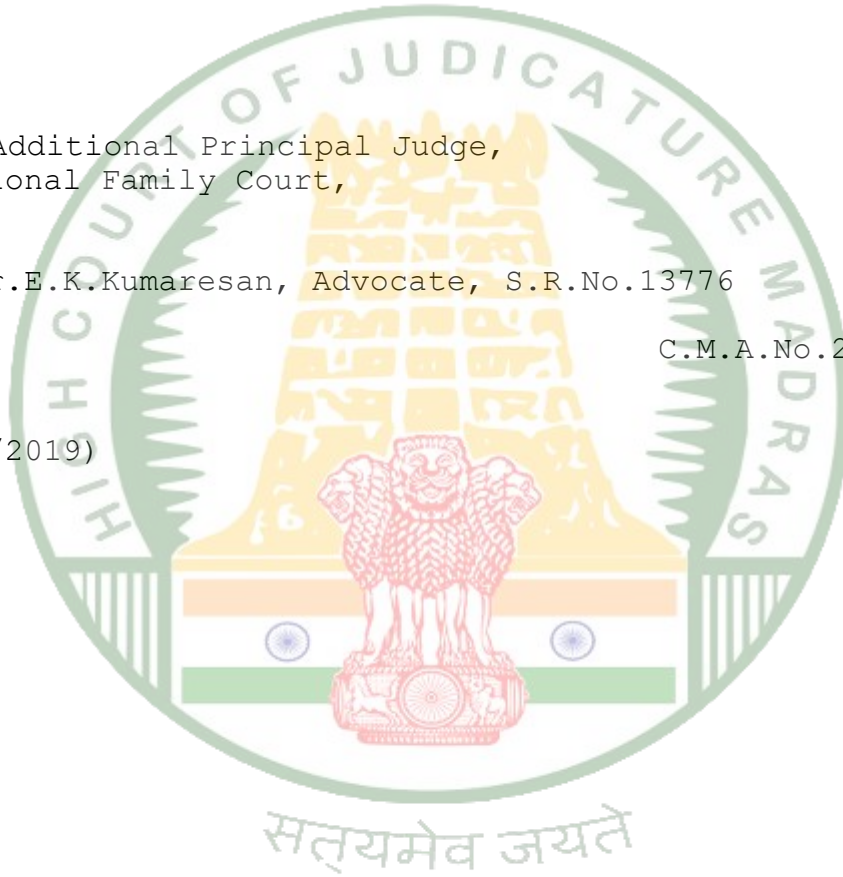
The IIIrd Additional Principal Judge,
The Additional Family Court,
Chennai.

+lcc to Mr.E.K.Kumaresan, Advocate, S.R.No.13776

C.M.A.No.266 of 2015

TSG(CO)

RRS(18/06/2019)



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