

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2019

CORAM:

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

C.M.A. No. 2336 of 2016

B.Arjunan ... Appellant

Vs.

S.Kalaivani ... Respondent

Prayer: Appeal filed under Section 19 of Family Court Act against the fair and decretal order dated 19.05.2016 in I.A.No.36/2016 in H.M.O.P.No.214 of 2013 on the file of Additional Family Court, Coimbatore.

For Appellant : Mr.S.Sugendran

For Respondent : No appearance

JUDGMENT

(Delivered by M.M.Sundresh, J.)

This appeal is preferred against the interim maintenance of Rs.3,000/- granted in favour of the respondent, though a sum of Rs.5,000/ was sought for.

2. The Family Court, Coimbatore granted the aforesaid amount towards interim maintenance after finding that there is no dispute with respect to the relationship between the parties and there is no contra material to show that the appellant was earning a lesser amount.

3. Learned counsel appearing for the appellant would submit that the appellant is unable to maintain himself and his parents. Therefore, the order of the Court below requires interference.

4. We do not find any merit in this petition. When there is no dispute about the fact that the respondent is his wife, he is

duty bound to maintain her. Though a sum of Rs.5,000/- was sought for, the Court below awarded only Rs.3,000/-. The aforesaid amount cannot be stated to be unreasonable. The appellant has not produced any material to show that he was not gainfully employed.

5. In such view of the matter, we do not find any merit in this appeal and the same stands dismissed. Considering the fact that H.M.O.P.No.214 of 2013 is pending for more than five years, we direct the Additional Family Court, Coimbatore, to dispose of the matter within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected CMP.No.16385 of 2016 is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ssm

To:

The Additional Principal Judge,
Additional Family Court,
Coimbatore.

+lcc to Mr.S.Sugendran, Advocate Sr.17436

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C.M.A. No.2336 of 2016

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