

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2019

CORAM

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A. No.2648 of 2019
and
C.M.P. No.12993 of 2019

M. Jeeva Nepolian ... Appellant

versus

Christina ... Respondent

Civil Miscellaneous Appeal filed under Section 19 of Family Courts Act against the fair and decreetal order dated 16.08.2018, I.A. No.2159 of 2018 in O.P. No.4846 of 2016 on the file of Principal Family Court at Chennai.

For Appellant : Mr.Gajalakshmi Rajendran

For Respondent : Mr.N.Rajan

JUDGMENT

(The Judgment of the Court was delivered by K.K.Sasidharan, J.)

This appeal at the instance of a Pastor challenges the order dated 16.08.2018 in I.A. No.2159 of 2018 in O.P. No.4846 of 2016 on the file of the Principal Judge, Family Court, Chennai awarding maintenance to the two minor children of the parties at the rate of Rs.5,000/- p.m.

2.The respondent initiated proceedings in O.P. No.4846 of 2016 before the Family Court, for dissolution of marriage. In the said proceedings, the respondent filed I.A No.2159 of 2018 for interim maintenance. The Tribunal having found that the appellant is a Pastor and earning a substantial amount from the Church, allowed the interim application and a sum of Rs.10,000/-p.m., was granted to two minor children towards maintenance. The said order is impugned in this appeal.

3. We have heard the learned counsel for the appellant. We have also heard the learned counsel for the respondent.

4. The proceedings in O.P. No.4846 of 2016 was initiated by the respondent for dissolution of marriage. There are three children born to the parties. We are informed that the male child is with the appellant and the two girls are with the respondent. Even according to the appellant, the respondent is not employed.

5. The Trial Court granted maintenance only to the minor children and that too at the rate of Rs.5000/- per child. The learned Judge, Family Court, exercised the discretion taking into account the materials available on record, including the monthly income of the appellant. It is not for this Court to re-appreciate the reasons given by the learned Trial Judge and arrive at a different factual conclusion. We are therefore of the view that there is no merit in the appeal. The appellant is given three months time to pay the entire arrears of maintenance. He shall continue to pay the monthly maintenance award in addition to the arrears.

6. The Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vsi2

To :

The Principal Judge,
Family Court,
Chennai.

+1cc to Mr.N.Rajan, Advocate SR.81644

C.M.A. No 2648 of 2019

GMR(CO)
CB(02/01/2020)