

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.02.2019

Coram

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

C.M.A.No.1562 of 2019
and
C.M.P.No.4452 of 2019

S.Mathew Charles ... Appellant

vs.

J.Praveena ... Respondent

Appeal filed under Section 19 of the Family Courts Act, 1984 against the order dated 05.01.2019 passed in I.A.No.908 of 2016 in O.P.No.862 of 2015 on the file of the IV Additional Family Court, Chennai.

For Appellant : Mr.R.Lakshmi Narasimhan

JUDGMENT

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

This appeal is preferred by the appellant, being aggrieved over the interim maintenance ordered by the Family Court in favour of the respondent for a sum of Rs.7,500/- per month.

2.Learned counsel appearing for the appellant would submit that the respondent suppressed the factum of earning Rs.12,000/- per month. He further submits that the appellant has not got regular employment in view of the pendency of the criminal case. Therefore, the order of the Family Court requires interference.

3.We are not inclined to entertain this appeal for more than one reason. The Family Court took note of the fact that the respondent may have some employment. However, notwithstanding the fact, a sum of Rs.7,500/- per month was ordered though the respondent sought for Rs.21,000/- per month. Admittedly, the

appellant was working in a ship receiving salary of Rs.1 lakh and he was leading a decent life. Even assuming that the appellant is not having any employment as of now, the amount awarded being reasonable, we are not inclined to interfere with the same. Obviously, the appellant and the respondent were leading upper middle class life, they have car and other amenities. Further more, the case is at the trial stage and any interference at this stage would certainly prolong the disposal of the main original petition.

4.In such view of the matter, this Civil Miscellaneous Appeal stands dismissed. However, taking into consideration the fact the case is at the trial stage and the matter is pending for more than three years, the IV Additional Family Court, Chennai is directed to dispose of the case in O.P.No.862 of 2015 within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi

To

The IV Additional Family Court, Chennai.

+1 cc to M/s.R.Lakshmi Narasimhan, Advocate Sr.No.16504

C.M.A.No.1562 of 2019

VD(CO)
CSL/27.03.2019

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