

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.1550 of 2019
and
C.M.P.No.4410 of 2019

T.Muniyan .. Appellant/Petitioner

vs.

M.Selvi .. Respondent/Respondent

Appeal filed under Section 19 (1) of the Family Courts Act, 1984 against the order and decree passed in I.A.No.62 of 2017 in H.M.O.P.No.92 of 2013 dated 29.11.2018 on the file of the Principal Subordinate Judge, Thiruvannamalai.

For Appellant : Mr.S.Kumaradevan

JUDGMENT

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

This appeal has been filed by the husband, aggrieved over the interim maintenance ordered by the Principal Subordinate Judge, Thiruvannamalai at Rs.7,000/- per month apart from the amount of Rs.5,000/- per month ordered by the learned single Judge of this Court in CrI.R.C.No.537 of 2018.

2.The order is sought to be predicated by the learned counsel appearing for the appellant on the sole ground that the order says that the aforesaid amount is for the maintenance of the minor child and the respondent and therefore the same cannot be maintained, particularly when the minor child is living with the appellant.

3.We are not inclined to entertain this appeal. Even if we take into consideration the amount awarded in CrI.R.C.No.537 of 2018 at Rs.5,000/- and the amount awarded in I.A.No.62 of 2017 at Rs.7,000/- per month, the total amount comes to Rs.12,000/-

per month. Admittedly, the respondent is the wife of the appellant. The fact that the appellant is working as a Teacher and receiving salary of Rs.50,000/- is not in dispute. This Court is concerned with the maintenance to be granted as against the means. Therefore, notwithstanding the fact that the minor child is living with the appellant, we are of the view that the amount of Rs.7,000/- ordered by the Court below is just and proper. This we hold so by taking note of the amount of Rs.5,000/- already ordered in Crl.R.C.No.537 of 2018 by order dated 10.09.2018. Accordingly, this Civil Miscellaneous Appeal stands dismissed.

4.Taking into consideration the fact that the case in H.M.O.P.No.92 of 2013 is pending for more than five years, we direct the Principal Subordinate Judge, Thiruvannamalai to dispose of the case in H.M.O.P.No.92 of 2013 within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mmi

To

The Principal Subordinate Judge,
Thiruvannamalai.

+lcc to Mr.S.Kumaradevan, Advocate sr.16009

C.M.A.No.1550 of 2019

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