

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH  
and  
The Hon'ble Mr. Justice KRISHNAN RAMASAMY

C.M.A.No.3936 of 2019  
and  
C.M.P.No.22350 of 2019

N.Sathish Kumar .. Appellant/Respondent/Petitioner  
Vs.  
S.Sarulatha ..Respondent/Petitioner/Respondent

Appeal filed under Section 19 of the Family Courts Act, 1984, against the judgment and decree dated 21.01.2019 passed in I.A.No.5275 of 2018 in H.M.O.P.No.3238 of 2018 on the file of the VI Additional Principal Judge, Family Court, Chennai.

For Appellant .. Mr.Shankar Haridas  
For Respondent .. Ms.C.S.Monica

JUDGMENT

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

The appellant who is the husband of the respondent filed this appeal aggrieved over the order passed in I.A.No.5275 of 2018 in H.M.O.P.No.3238 of 2018 on the file of the VI Additional Principal Judge, Family Court, Chennai.

2. The respondent filed an interlocutory application in I.A.No.5275 of 2018 seeking interim maintenance during the pendency of H.M.O.P.No.3238 of 2018. Considering the materials available, the Court below has directed the appellant to pay a sum of Rs.10,000/- per month to the respondent and the two minor children towards maintenance. Challenging the same, the present appeal has been filed.

3. Learned counsel for the appellant submitted that his take home salary is only a sum of Rs.12,000/- per month and therefore the Court below is not correct in ordering Rs.10,000/- towards maintenance.

4. Learned counsel for the respondent submitted that, in the counter affidavit the appellant himself stated that at the time of marriage, i.e in the year 2006 itself, his salary is Rs.12,000/- per month. Further, he has also lending money on interest. Therefore, the appeal has to be dismissed.

5. Heard the learned counsel for the appellant and the learned counsel appearing for the respondent.

6. The status of the appellant is not in dispute. Two minor children were born from the wedlock. It is the duty of the husband to take care of his wife and children. There is material on record to show that the respondent is employed and has sufficient means to take care of the children. In the counter affidavit filed by the appellant it is stated that in the year 2006 he was drawing salary of Rs.12,000/- per month and, therefore, certainly he could spend Rs.10,000/- for them. The Court below has rightly granted Rs.10,000/- towards maintenance.

7. Thus, we do not find any error in the order passed by the Court below warranting interference and the appeal stand dismissed. The VI Additional Principal Judge, Family Court, Chennai, is directed to dispose of H.M.O.P.No.3238 of 2018 within a period of three months from the date of receipt of a copy of this order. No Costs. Consequently, connected C.M.P.No.22350 of 2019 is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The VI Additional Principal Judge,  
Family Court, Chennai.

AKM/14.02.2020/2P-2C /

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