

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.NO.2184 OF 2019

AND

CMP NOS.9041 AND 9044 OF 2019

A.Felixraj

...

Appellant/Respondent/
Petitioner

Vs.

1. Minor Benedict Felix
S/o. A.Felixraj

(Minor 1st Respondent represented by
His mother and natural guardian, the
2nd respondent)

2. J.Sujatha @ Maria Linet Sujatha

...

Respondents/Petitioners/
Respondents

PRAYER:

Civil Miscellaneous Appeal filed under Section 19 of the
Family Courts Act, against the fair and decretal order passed
in I.A.No.1532 of 2018 in I.D.O.P.No.3261 of 2016 dated
15.02.2019 on the file of the learned IV Additional Family
Court, Chennai.

For Appellant : Mr.D.Muthu
for Mr.M.Vijayaraghavan

For Respondents: Mr.K.Sathish

J U D G M E N T

[Judgment of the Court was made by K.K.SASIDHARAN, J.]

This Civil Miscellaneous Appeal is directed against the
order dated 15.02.2019 in I.A.No.1532 of 2018 in O.P.No.3261 of

2016 directing the appellant herein to pay maintenance @ Rs.6,000/- each per month to the wife and minor child with effect from 29.04.2017.

2. The proceedings in O.P.No.3261 of 2016 was instituted by the appellant, against his wife, for divorce on allegation of acts of cruelty. During the currency of the said petition, the respondent filed an application for interim maintenance, in I.A.No.1532 of 2018. The learned Trial Judge, having found that the appellant is beneficially employed, as an Operator, in Indian Oil Corporation Limited and was receiving a total salary of Rs.45,290.33, as evident from the salary certificate, for the month of August 2018, awarded a sum of Rs.12,000/- per month, as maintenance, to the wife and child @ Rs.6,000/- each. The said order is the subject matter of this appeal.

3. We have heard the learned counsel for the appellant. We have also heard the learned counsel for the respondent. The parties also appeared before us and we have also heard their submissions.

4. The appellant is an employee of Indian Oil Corporation Limited. Before the Family Court, the respondent contended that she is not employed and there is nobody to look after her and her minor child. The materials produced by the parties before the Family Court also indicates that the appellant is employed as an Operator in Indian Oil Corporation Limited. The salary certificate of the appellant was also taken note of by the Trial Court while awarding the interim maintenance @ Rs.6,000/- each to the wife and minor child.

5. The learned Trial Judge exercised the discretion and directed the appellant to pay interim maintenance. It is not a case of arbitrary exercise of the discretion by the learned Trial Judge. The order is supported by reasons. We are, therefore of the view, that the appellant has not made out a case for interfering with the order passed by the Trial Court.

6. The Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected civil miscellaneous petitions are closed.

7. The appellant is given six months time to discharge the total arrears subject to the condition that 25% of the

arrears shall be paid within a period of six weeks from today. The appellant should also pay the monthly maintenance, as directed by the learned Trial Judge, every month, in addition to the arrears. No costs.

Sd/-
Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

TK

To

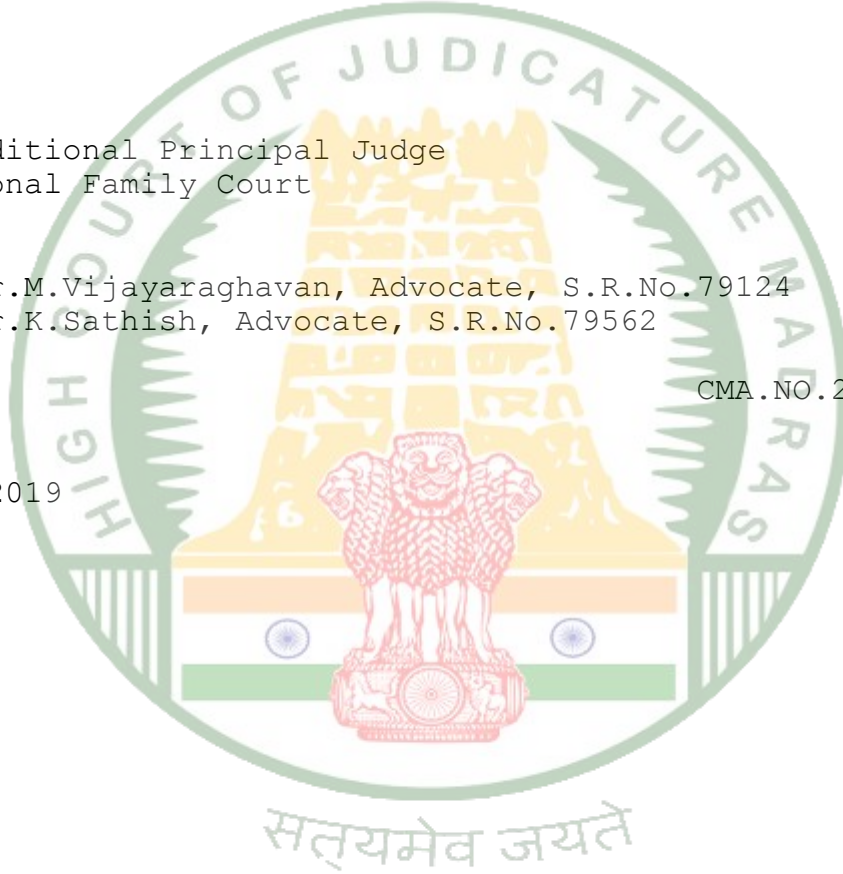
The IV Additional Principal Judge
IV Additional Family Court
Chennai.

+1cc to Mr.M.Vijayaraghavan, Advocate, S.R.No.79124

+1cc to Mr.K.Sathish, Advocate, S.R.No.79562

CMA.NO.2184 OF 2019

EV(CO)
CS/10/10/2019



WEB COPY