

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.No.2462 of 2019

SANTHOSH KUMAR

... appellant

Vs

VIDHYA

... respondent

PRAYER: Civil Miscellaneous Appeal filed to set aside the order dated 13/03/2019 passed in IA NO.5684/2018 in HMOP NO.1239/2017 on the file of the Principal Family Court Judge, Chennai.

For appellant : Mr.A.K.Rajaraman
For respondents : Ms.Saraswathi Muthiah
for Ms.S.R.Shenbaga Baabu

J U D G M E N T

(made by K.K.SASIDHARAN, J.)

The Principal Family Court, Chennai, in a matrimonial proceedings initiated by the respondent in H.M.O.P.No.1239 of 2017 directed the appellant to pay interim maintenance at the rate of Rs.15,000/- p.m. The order is under challenge at the instance of the respondent in O.P.No.1239 of 2017 on the ground that the quantum is excessive and has no reference to the salary or the employment of the respondent.

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

3. The appellant married the respondent on 31 January 2013. The marriage was solemnized at Shoranur in the State of Kerala. The respondent is a B.B.M. Graduate and she has been working in a multinational company at Chennai before and after marriage.

4. The respondent alleging that the appellant behaved in a cruel manner, initiated proceedings for dissolution of the marriage in HMOP No.1239 of 2017. The original petition was opposed by the appellant by contending that no ground is made out for dissolution of the marriage.

5. The respondent filed a miscellaneous petition in I.A.No.5684 of 2018 claiming interim maintenance at the rate of Rs.35,000/- p.m. The Family Court, taking into account the employment of the appellant in Sify Ltd., directed him to pay maintenance at the rate of Rs.15,000/- p.m. with effect from 13 March 2019. The quantum is under challenge at the instance of the respondent in I.A.No.5684 of 2018.

6. We have summoned the parties and discussed the matter. Though the appellant is very much for reunion, the respondent maintained that there is no question of resumption of cohabitation. We thereafter tried to settle the matter by giving permanent alimony. The respondent claimed an exorbitant amount, which was not agreeable to the appellant on account of his financial position.

7. The appellant produced his latest salary slip before us which shows that he is receiving a salary of Rs.73,621/-. The appellant has taken a loan and he has been paying a sum of Rs.13,787/- as monthly instalment. The respondent is also employed. According to the respondent, she is presently receiving only a sum of Rs.12,000/- p.m. The respondent submitted that she is receiving only less amount by way of salary on account of her resignation from different companies on multiple occasions.

8. After hearing the learned counsel for the parties and taking into account the entire documents available on record, we are of the view that interest of justice would be sub-served by directing the appellant to pay interim maintenance at the rate of Rs.11,000/- p.m. The arrears of maintenance effective 13 March 2019 shall be paid within a period of eight weeks from today, less the amount already deposited. The appellant shall continue to pay the maintenance at the rate of Rs.11,000/- p.m. till the conclusion of the original petition in H.M.O.P.No. 1239 of 2017.

9. The civil miscellaneous appeal is allowed in part. No costs. Consequently, C.M.P.No.11327 of 2019 is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

tar

To

The Principal Family Court Judge, Chennai.

+1cc to Mr.A.K.Rajaraman, Advocate sr.84027

+2cc to Ms.S.R.Shenbaga Baabu, Advocate sr.83473

C.M.A.No.2462 of 2019

rk(co)

nr 31/10/2019