

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH  
AND  
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

C.M.A. No. 2481 of 2019  
& C.M.P.No.11531 of 2019

L.Nithissh Anand

... Appellant

Vs.

D.Janani

.... Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act, 1984, against the fair and decreetal order dated 20.03.2019 passed in I.A.No.731 of 2018 in F.C.O.P.No.87 of 2018 on the file of the Family Court, Vellore, Vellore District.

For Appellant : Mr.P.Chandrasekar  
For respondent : Mr.M.Jai Kumar

JUDGMENT

(Judgment of the Court was made by M.M.Sundresh,J.)

This appeal has been preferred by the appellant aggrieved over the order passed in I.A.No.731 of 2018 in F.C.O.P.No.87 of 2018 by the Family Court, Vellore, which has been filed for divorce. In the said application, the respondent sought for Rs.20,000/- per month as interim maintenance for herself and Rs.10,000/- for her minor daughter. Insofar as litigation expenses is concerned, a sum of Rs.30,000/- has been sought for. The Family Court, Vellore, has granted a sum of Rs.9,000/- per month towards interim maintenance for both herself and her daughter and Rs,10,000/- towards litigation expenses. Challenging the same, the present civil miscellaneous appeal has been filed.

2.The learned counsel appearing for the appellant would submit that the Family Court has not taken note of the take home salary of the appellant. The amount fixed is on the higher side.

3.The learned counsel for the respondent would submit that the respondent has to manage herself along with the minor daughter. The minor daughter is studying in the school. The respondent does not have any means. Therefore, the order of the Family Court has to be confirmed.

4.Insofar as the litigation expenses is concerned, we do not find any error in the order passed by the Family Court. What has been ordered is only a sum of Rs.10,000/- towards litigation expenses, which is very reasonable and the same is confirmed. However, considering the factum of take home salary of the appellant, we are inclined to modify the order passed by the Family Court, Vellore, to the effect that a sum of Rs.8,000/- per month towards interim maintenance is granted instead of Rs.9,000/- per month.

5.Considering the facts and circumstances of the case, we direct the Family Court, Vellore to dispose of F.C.O.P.No.87 of 2018 within a period of four months from the date of receipt of a copy of this order. It is made clear that the arrears will have to be paid within a period of eight weeks from the date of receipt of a copy of this order. Accordingly, the Civil Miscellaneous Appeal stands disposed of. No costs. Consequently, connected civil miscellaneous petition is closed.

Sd/-  
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

raa

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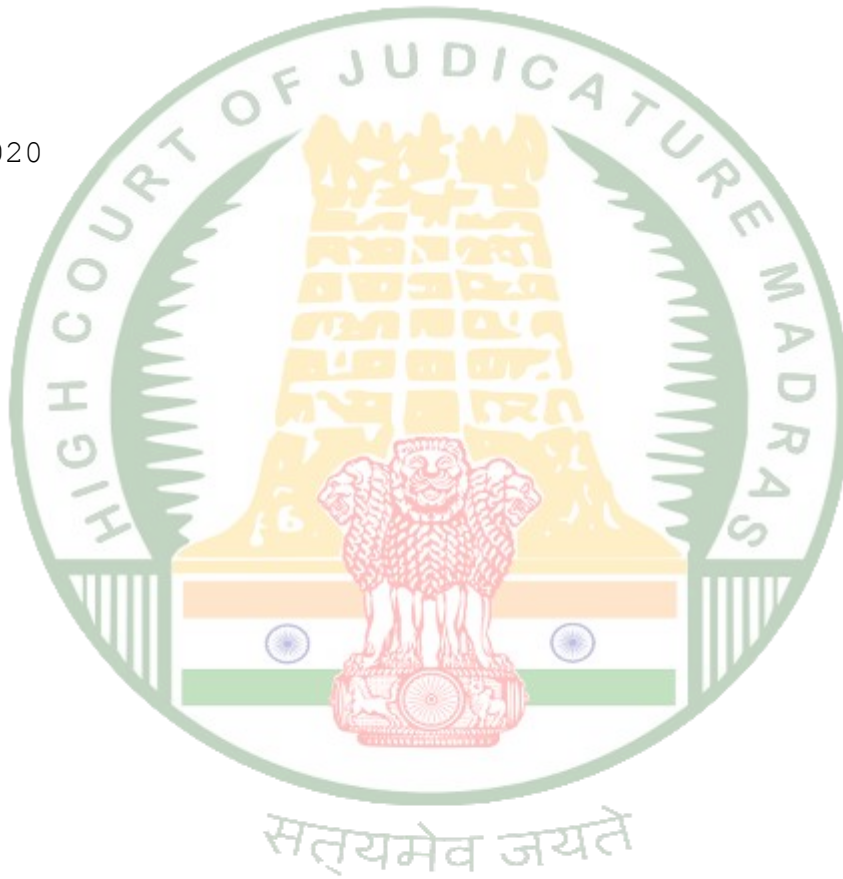
To

The Judge,  
Family Court,  
Vellore.  
Vellore District

+1 cc to Mr.P.Chandrasekar Advocate sr102485  
+1 cc to Mr.M.Jaikumar Advocate sr102997

C.M.A.No.2481 of 2019

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