

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.No.2883 of 2019
and
C.M.P.No.15242 of 2019

T.Subhav Kumar ... Appellant/Respondent
Vs
G.Navitha ...Respondent/Petitioner

PRAYER : Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act against the Fair Order and Decretal Order passed in I.A.No.5668 of 2018 in O.P.No.2333 of 2017 on the file of the Hon'ble III Additional Family Court at Chennai dated 11.04.2019 in so far the respondent herein is concerned.

For Appellant : Mr.T.N.Sugesh

J U D G M E N T

(Judgment of the Court was delivered by N.KIRUBAKARAN, J)

The appeal has been preferred by the husband against the fixing of interim maintenance of Rs.10,000/- to the respondent and Rs.5,000/- to the child and Rs.15,000/- towards litigation expenses.

2.The Original Petition has been filed by the appellant for divorce on the ground of cruelty. Pending the main petition, the appellant filed an application for payment of interim maintenance of Rs.15,000/- and Rs.50,000/- towards litigation expenses. On contest, the Family Court determined the interim maintenance at Rs.10,000/- to the respondent and Rs.5000/- to the child and Rs.15,000/- towards litigation expenses.

3.The learned Counsel for the appellant would submit that amounts fixed by the Family Court viz., Rs.10,000/- to the respondent and Rs.5,000/- to the child are on the higher side. However, a close scrutiny of the records would show that the respondent has already filed O.P.No.2955 of 2017 seeking restitution of conjugal rights and M.C.No.359 of 2017 seeking maintenance and D.V.O.P.No.4 of 2018 and the cases are pending.

4.Though the learned Counsel for the appellant would submit that out of pawn brokering and Jewellery, he is getting Rs.2,50,000/- per annum, the tribunal taking into consideration the business done by the appellant thought it fit in its discretion and determined Rs.10,000/- to the respondent and Rs.5,000/- to the child. The said amount is not on the higher side. Perhaps, for the purpose of income tax, lesser amount would have been shown as income in the name of tax planning, though more amount would have been derived by the appellant from his business. Even otherwise, Rs.10,000/- to the respondent and Rs.5,000/- to the child are not on the higher side. Therefore, there is no irregularity or perversity in the order.

5.Hence, the appeal fails and the same is dismissed. However, there shall be a direction to the Family Court to dispose of the main original petition at the earliest. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

The III Additional Family Court,
Chennai.

+1 cc to M/s.T.N.Sugesh, Advocate Sr.No.62202

सत्यमेव जयते

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KS (CO)
RMP (01/09/2020)

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