



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2019

CORAM :

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

C.M.A.No.2592 of 2019

and

C.M.P.No.12448 of 2019

A.Sendhil Kumar

... Appellant

Vs

G.Radhika

..Respondent

PRAYER : Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act against the Order and Decree of the Family Court, Vellore dated the 1st day of March 2019 in I.A.No.743 of 2018 in F.C.O.P.No.30 of 2018 on its file.

For Appellant : Mr.B.Christ Das

For Respondent : Mr.E.Kannadasan

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 appellant/husband challenging the order of Rs.8,000/- per month awarded as maintenance to the respondent/wife in the petition filed by the husband for divorce.

2.The petitioner and the respondent got married on 23.11.2012 and due to disputes, they are living separately from 2015 onwards. Making certain allegations, the appellant/husband filed the divorce petition before the Family Court, Vellore. Pending disposal of the said petition, the respondent/wife filed a petition seeking for maintenance at the rate of Rs.25,000/- per month towards interim maintenance and Rs.15,000/- towards litigation expenses. The said petition was ordered partly directing the appellant to pay a sum of Rs.8,000/- per month as interim maintenance and Rs.10,000/- towards litigation expenses. Against the said order, the present appeal has been filed.

3.Heard the learned Counsel for the appellant and the learned Counsel for the respondent and perused the records.



4. Though the learned Counsel for the appellant/husband falsely stated that he is getting Rs.75,000/- per month, the respondent/wife would submit that he is drawing only Rs.32,498/-. However, the trial Court determined the monthly income only at Rs.30,000/- per month. The salary certificate produced before this Court from October 2018 onwards would also prove that the appellant is earning about Rs.32,498/- per month. In that event, the order passed by the trial Court is sustainable.

5. It is the bounden duty of the husband to maintain his wife legally and morally and he cannot take shelter contending that wife is also employed. Therefore, the amount of Rs.8,000/- per month fixed by the Family Court towards interim maintenance is very reasonable. Similarly, Rs.10,000/- fixed towards litigation expenses is also reasonable. Hence, the appellant shall continue to pay Rs.8,000/- every month on or before the 5th of every calendar month apart from paying litigation expenses.

6. In the result, the appeal is dismissed. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

To

The Family Court,
Vellore.

+1 CC to Mr.E.Kannadasan, Advocate sr 57079.

C.M.A.No.2592 of 2019
and
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PPA (CO)
SP(21/08/2019)