

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN  
and  
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.No.2817 OF 2019

Chetan Ranka ... appellant /Respondent

Vs

Sonal Ranka ... respondent /Petitioner

PRAYER: Civil Miscellaneous Appeal filed against the order passed by the Additional principal Family Judge, Coimbatore in I.A.No.375 of 2017 in H.M.O.P.No.600 of 2017 dated 5.4.2019.

For appellant : Mr.Nareshkumar J.

For respondents : Mr.K.S.Ilangovan  
for M/s.Achari & Antony Associates

J U D G M E N T

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

This Civil Miscellaneous Appeal is directed against the order dated 5 April 2019 in I.A.No.375 of 2017 in H.M.O.P.No.600 of 2017, directing the appellant to pay interim maintenance to the respondent at the rate of Rs.20,000/- per month, besides litigation expenses quantified at Rs.10,000/-.

2. The matrimonial proceedings in H.M.O.P.No.600 of 2017 was initiated by the appellant for dissolution of his marriage with the respondent which was solemnized on 30 June 2001.

3. Before the Additional Principal Judge, Family Court, Coimbatore, the respondent filed an interlocutory application in I.A.No.375 of 2017 claiming a sum of Rs.50,000/- towards maintenance besides another sum of Rs.50,000/- towards litigation expenses. The Trial Court on a consideration of the background facts, directed the appellant to pay interim

maintenance at the rate of Rs.20,000/- p.m. The appellant was further directed to pay a sum of Rs.10,000/- towards litigation expenses. Feeling aggrieved, the appellant has filed this Civil Miscellaneous Appeal.

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

5. The core question is as to whether the Family Court was correct in fixing the monthly maintenance at the rate of Rs.20,000/- p.m., besides a sum of Rs.10,000/- towards litigation expenses.

6. There is absolutely no dispute that the appellant is running a Raymond Textile Showroom at Coimbatore. He is also the owner of several immovable properties yielding substantial income. The respondent is unemployed. There are no documents produced by the appellant to show that the respondent is beneficially employed and as such, there is no need to pay her maintenance. The Family Court considered the tax returns filed by the appellant and rightly arrived at his monthly income. Even though the appellant is earning a substantial amount every month, only a sum of Rs.20,000/- was awarded as interim maintenance. We are of the view that learned Family Court Judge rightly exercised the discretion on the basis of the documents available on record.

7. We are therefore of the view that no interference is called for in the order passed by the learned Family Court Judge directing interim maintenance and litigation expenses.

8. The appellant is given eight weeks time from today to pay the entire arrears. He should also pay the monthly maintenance in addition to the arrears, within the time prescribed by the Trial Court.

9. The Civil Miscellaneous Appeal is dismissed. No costs. Consequently, C.M.P.No.14653 of 2019 is also dismissed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Additional principal Judge,  
Family Court, Coimbatore.

2. The Section Officer,  
V.R. Section, High Court,  
Madras.

+1cc to Mr.Achari & Antoni Associates, Advocate, S.R.No. 81783  
+1cc to Mr.J.Naresh Kumar, Advocate, S.R.No. 81781

C.M.A.No.2817 OF 2019

KK(CO)  
GN(06/11/2019)