

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE C.SARAVANAN

C.M.A. No. 1121 of 2017
and CMP No.5559 of 2017

K.G.Balakrishnan Appellant/Petitioner

Vs.

Devasena Respondent/Respondent

Prayer: Appeal filed under Section 19 of the Family Court Act, 1988 against the fair and final order of the Family Court, Erode in I.A.No.231 of 2016 in H.M.O.P.No.341 of 2015, dated 07.11.2016.

For Appellant : Mr.S.Kaithamalaikumaran

For Respondent : Mr.E.P.Seeniyangiri

JUDGMENT
(Delivered by M.M.Sundresh, J.)

This appeal is preferred against the interim order granted by the Court below by directing the appellant to pay a sum of Rs.15,000/- per month as interim maintenance.

2. Learned counsel appearing for the appellant would submit that the amount directed to paid before this Court in CrI.O.P.No.13905 of 2016 will have to be taken into consideration and the same will have to be deducted. Therefore, the appellant is ready to pay a sum of Rs.10,000/- per month towards maintenance.

3. Learned counsel appearing for the respondent would submit that the appellant will have to pay the school fees which he has not paid for the last few years.

4. By way of reply, learned counsel appearing for the appellant would fairly submit that the appellant would pay the

school fees henceforth, which would be applicable for the entire school period and also the fees for the college, excluding the capitation fees, if any.

5. Learned counsel for the appellant submitted that the direction will be complied notwithstanding the interim order passed by the learned Single Judge in Crl.O.P.No.13905 of 2016 and in this petition. Therefore, it is submitted that till the minor child attains majority requisite fees for education will be taken care of.

6. In view of the above, we are of the view that the interest of the minor child will be taken care of in an appropriate manner. If that is considered, the minor child will get much more benefit than the one ordered by the Court below.

7. In such view of the matter, the interim maintenance ordered by the Court below stands modified from Rs.15,000/- to Rs.10,000/-. The appellant shall also pay the school fees of the minor child, notwithstanding the pendency of any other proceedings, for the entire school education and the college education, as indicated above. The respondent is also permitted to withdraw a sum of Rs.70,000/- deposited in pursuance of the orders of this Court. Taking note of the fact that the H.M.C.O.P.No.341 of 2015 is pending for more than four years, we direct the trial Court to dispose of the same within a period of six months from the date of receipt of a copy of this order.

The appeal is disposed of with the above said modifications. No costs. Consequently, connected CMP No.5559 of 2017 is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

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Sub Assistant Registrar

ssm

To:

The Presiding Judge, Family Court, Erode.

+1 cc to Mr.S.Kaithamalai Kumaran, Advocate Sr.No.15413

C.M.A. No. 1121 of 2017

CSL/12.04.2019