

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.03.2019

Coram

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

C.M.A.No.1173 of 2017

S.Jagan @ Janagarajan .. Appellant/Respondents

vs.

R.Vanitha .. Respondent /Petitioner

Appeal filed under Section 19 of the Family Courts Act, 1984 against the judgment and decree dated 22.09.2015 in I.A.No.82 of 2015 in F.C.O.P.No.353 of 2014 on the file of the Family Court, Salem.

For Appellant : Mr.P.Jagadeesan

For Respondent : No appearance

JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

Appellant is the husband of the respondent. he filed a petition for divorce in F.C.O.P.No.353 of 2014 on the file of the Family Court, Salem. The respondent filed an application in I.A.No.82 of 2015 seeking interim maintenance for herself and the minor child for a sum of Rs.30,000/- per month. The Court below awarded a sum of Rs.5,000/- per month as interim maintenance. Challenging the same, the present appeal has been filed.

2.Learned counsel appearing for the appellant would submit that the appellant does not have sufficient means and he is only a coolie. Therefore, the order of the Court below requires interference.

3.The Family Court took into consideration the fact that the appellant was earning Rs.12,000/- per month. Admittedly, a male child was born out of the wedlock. The status of the parties is also not in dispute. Thus, a paltry sum of Rs.5,000/- has been awarded by the Family Court, which in our considered view, is quite reasonable. In fact, the Family Court awarded only a sum of Rs.1,000/- for past maintenance from the date of petition. Thus, we do not find any merit in the appeal. Accordingly, the Civil Miscellaneous Appeal stands dismissed. No costs.

Sd/-
Asst. Registrar

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Sub Asst. Registrar

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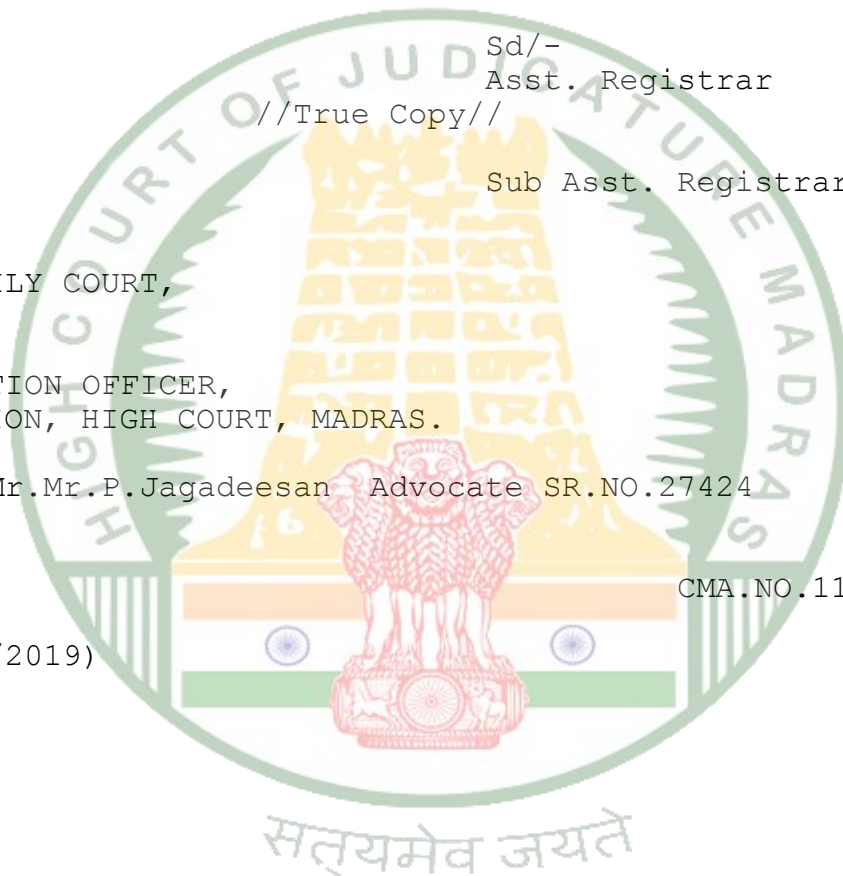
1.THE FAMILY COURT,
SALEM.

2.THE SECTION OFFICER,
VR SECTION, HIGH COURT, MADRAS.

+1 CC to Mr.Mr.P.Jagadeesan Advocate SR.NO.27424

CMA.NO.1173 of 2017

CO (LA)
VC (12/06/2019)



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