

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2019

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

C.M.A.No.4661 of 2019

Vijay Krishna

... Appellant

Vs.

Jyothi

... Respondent

Appeal filed under Section 19 of the Family Courts Act against the order and decree dated 23.07.2019 made in I.A.No.2190 of 2015 in H.M.O.P.No.214 of 2015 on the file of IV Additional Principal Judge, Family Court, Chennai.

For Appellant ... Mr.A.Kanagasabapathy

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

This appeal is preferred by the husband, who is the petitioner in H.M.O.P. No.214 of 2015, challenging the interim maintenance granted in favour of the respondent and the minor girl child.

2.Learned counsel appearing for the appellant submitted that the amount ordered by the Family Court is excessive. There is no permanent avocation for the appellant and he is earning only Rs.10,000/- per month as per the counter affidavit filed. Thus, the order requires interference.

3.We do not find any merit in this appeal. The respondent sought for Rs.50,000/- per month by way of interim maintenance. The Family Court has rightly held that the respondent does not have means to meet the educational expenses of herself and the minor. What has been ordered is only a sum of Rs.15,000/-, which has to be apportioned between the respondent and the minor girl child. The Family Court also took into consideration the fact that it is the appellant who agrees for Rs.25,000/-. Notwithstanding the same, only a sum of Rs.15,000/- has been ordered. The appellant has come from a good background with his father being the famous dance master. He has got sufficient means including the properties within the city.

4.In such view of the matter, we are not inclined to interfere with the order passed by the Family Court. Accordingly this Civil Miscellaneous Appeal stands dismissed. No costs.

5.Taking into consideration the fact that H.M.O.P. No.214 of 2015 is pending for a period of four years, we direct the IV Additional Principal Judge, Family Court, Chennai, to dispose of the same within a period of three months from the date of receipt of a copy of this judgment.

Sd/-

Assistant Registrar(CS)

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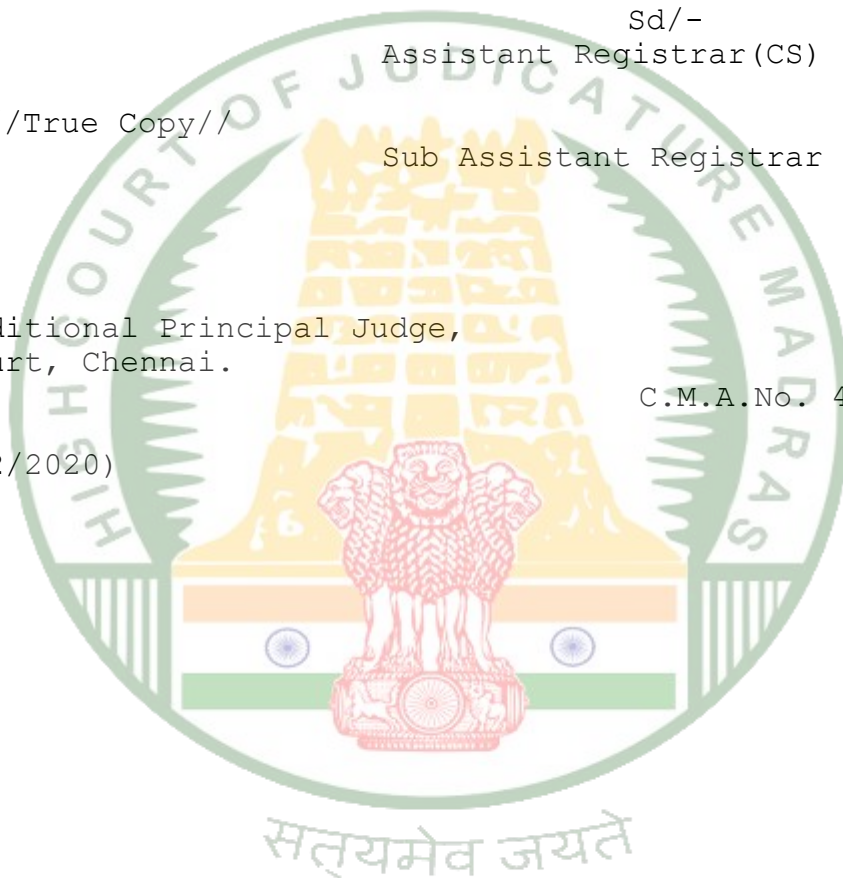
Sub Assistant Registrar

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To

The IV Additional Principal Judge,
Family Court, Chennai.

C.M.A.No. 4661 of 2019

A.SK(03/02/2020)



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