

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2019

CORAM:

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

C.M.A. No. 649 of 2017

T.Jayaraj

... Appellant

Vs.

J.Ammu

... Respondent

Prayer: Appeal filed under Section 19 of Family Court Act against the fair and decretal order dated 11.11.2016 made in I.A.No.103 of 2016 in F.C.O.P.No.127 of 2015 on the file of Family Court, Vellore.

For Appellant : Mr.N.Saravanan

For Respondent : Mr.R.Nalliyappan

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

This appeal is preferred against the interim maintenance granted for a sum of Rs.5,000/- as against Rs.10,000/- sought for.

2. Learned counsel appearing for the appellant would submit that both the parties filed I.D.O.P.No.39 of 2014 before the Principal District Court, Vellore, which was dismissed since the respondent herein did not turn up. Thereafter, the appellant filed the divorce petition.

3. The relationship between the parties is not in dispute. No documents have been produced by the appellant to highlight his financial condition to the extent of inability to maintain the respondent. Though a sum of Rs.10,000/- has been sought for, the Court below directed a sum of Rs.5,000/- to be paid as interim maintenance. Thus, we do not find any error in the order passed by the Court below.

4. Learned counsel appearing for the appellant would submit that the appellant does not have means to support the respondent. He further submits that considering the facts and

circumstance of the case, the arrears may be directed to be paid at Rs.4,000/- per month.

5. Taking note of the above said submission, the arrears liable to be paid from the date of the petition till today, shall be calculated at the rate of Rs.4,000/- per month and from the month of March, 2019, the appellant will have to pay a sum of Rs.5,000/- per month.

With the above said modification, the appeal stands dismissed. Taking note of the fact that F.C.O.P.No.127 of 2015 is pending for more than four years, we direct Family Court, Vellore, to dispose of the same within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, connected CMP No.3642 of 2017 is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

ssm

To:

The Judge,  
Family Court,  
Vellore.

+1cc to Mr. R.Nalliyappan, Advocate, S.R.No. 18430

C.M.A. No.649 of 2017

SPD(CO)  
GN(30/04/2019)

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