

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2019

CORAM:

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

C.M.A.No.2296 of 2018

R.Mathumathi

...Appellant

Vs.

Kandasamy

.. Respondent

Prayer :

Appeal filed under Section 19(1) of the Family Courts Act, 1984 against the Fair and Decreetal order as made in I.A.No.507 of 2018 in HMOP No.823 of 2018, dated 27.08.2018 on the file of the Principal Family Court, Coimbatore.

For Appellant : Mr.M.V.Kumaresh Babu
for M/s.V.Balamurugane

For Respondent : Mr.S.Namasivayam

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

This appeal is only against the interim maintenance ordered by the Court below. The appellant seeks enhancement from Rs.7,500/- to Rs.25,000/- which was actually sought for in the petition.

2. Learned counsel appearing for the appellant has submitted that the respondent is a Software Engineer earning substantial amount of money by way of salary. He is duty bound to maintain the appellant and the child. The appellant is not having sufficient means. The maintenance amount sought for is for herself and the child and, therefore, the appeal will have to be allowed.

3. Learned counsel appearing for the respondent would fairly submit that a reasonable enhancement can be made. The conduct of the appellant will have to be looked into. This petition itself

has been filed after direction issued by the Court to dispose of the main Original Petition within a time bound manner. He has also produced records to show that the appellant is prolonging the matter by seeking frequent adjournments. Hence, the learned counsel submitted that this Court may fix a reasonable amount and direct the appellant to cooperate for the speedy disposal of the petition.

4. By way of interim order, the Court below directed the respondent to pay a sum of Rs.7,500/- per month as maintenance which has been complied with till December,2018. By taking note of the fact that the interim maintenance as sought for by the appellant is for herself and the child, which was admittedly born from the wedlock, coupled with the earning capacity of the respondent, who is a Software Engineer, it would only be appropriate that the respondent shall pay a sum of Rs.25,000/- per month towards interim maintenance from the month of January,2019 till the disposal of the main Original Petition. However, we make it clear that apart from the amount paid till December,2018, as per the order passed by this Court the arrears will have to be paid.

5. Accordingly, the appeal stands allowed to the extent indicated above. As this Court has already fixed the outer time limit, which has been breached already, we direct the Family Court to dispose of the H.M.O.P.No.823 of 2018 within a period of four months from the date of receipt of the copy of this order. No costs. Consequently, connected CMP No.17553 of 2018 is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ssm
To:-

The Additional Principal Judge,
Family Court, Coimbatore.

+1cc to Mr.P.Muthukumaraasamy, Advocate, S.R.No.18684
+1cc to Mr.S.Namasivayam, Advocate, S.R.No.19103

C.M.A.No.2296 of 2018

CNR(CO)
CS/11/06/2019