

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2019

CORAM:

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

C.M.A. Nos. 2788 & 2791 of 2018

Pooja ...Appellant
in both appeals

Vs.

Dinesh Chawla ... Respondent
in both appeals

Prayer : Appeals filed under Section 19(1) of the Family Courts Act, 1984 against the order and decree dated 03.10.2018 made in I.A.Nos. 4295 and 4296 of 2018 in O.P. No.2222 of 2017 on the file of the III Additional Family Court, Chennai.

For Appellant
(in both appeals): Mr.A.Saravanan

For Respondent
(in both appeals): Mr.T.Velumani

COMMON JUDGMENT

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

Seeking enhancement of the maintenance from Rs.7,500/- granted, though Rs.75,000/- per month sought for, the appellant filed C.M.A.No.2788 of 2018 and seeking enhancement of the litigation expenses from Rs.30,000/-, though Rs.1,00,000/- was sought for, the appellant filed C.M.A.No.2791 of 2018.

2. The marriage was solemnized on 29.03.2010 and from 31.01.2016 onwards they are living apart. The respondent filed petition for divorce. Pending divorce petition, the appellant sought for interim maintenance and litigation expenses. Though the appellant sought Rs.75,000/- per month by marking Exs.P1-P3 which are documents showing that the respondent was running two guest houses, the Court below awarded only Rs.7,500/- per month. Challenging the same, C.M.A.No.2788 of 2018 has been filed.

3. Learned counsel appearing for the appellant submitted that the Court below has not considered Exs.P1-P3. This document would clearly show that the respondent is earning Rs.3,00,000/- per month. Therefore, enhanced amount is requested to be ordered.

4. Learned counsel appearing for the respondent submitted that the mother of the respondent is suffering from cancer, for which treatment is required. The appellant is gainfully employed since she was working as a journalist. Therefore, no interference is required.

5. Considering Exs.P1-P3 we can safely say that the respondent is a man of sufficient means. The marriage is not in dispute. Therefore, he has to take care of the interest of the appellant. The Court below without any basis awarded Rs7,500/-, though Rs.75,000/- was sought for. There is no material to show that the appellant is gainfully employed elsewhere.

6. Considering the above, we are inclined to enhance the amount particularly in the light of the Exs.P1-P3, which have not been taken note of by the Court below. Accordingly, the amount from Rs.7,500/- is enhanced to Rs.20,000/-.

7. The C.M.A.No.2788 of 2018 is allowed to the extent as indicated above.

8. Insofar as litigation expenses is concerned, the Court below has granted a sum of Rs.30,000/-, which in our considered view is appropriate, and no interference is required. Accordingly, C.M.A.No.2791 of 2018 is dismissed.

9. Considering the fact that O.P.No.2222 of 2017 is pending for more than two years, we direct the Court below 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.22071 of 2018 is closed.

Sd/-
Assistant Registrar(CS V)

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Sub Assistant Registrar

ssm

To:

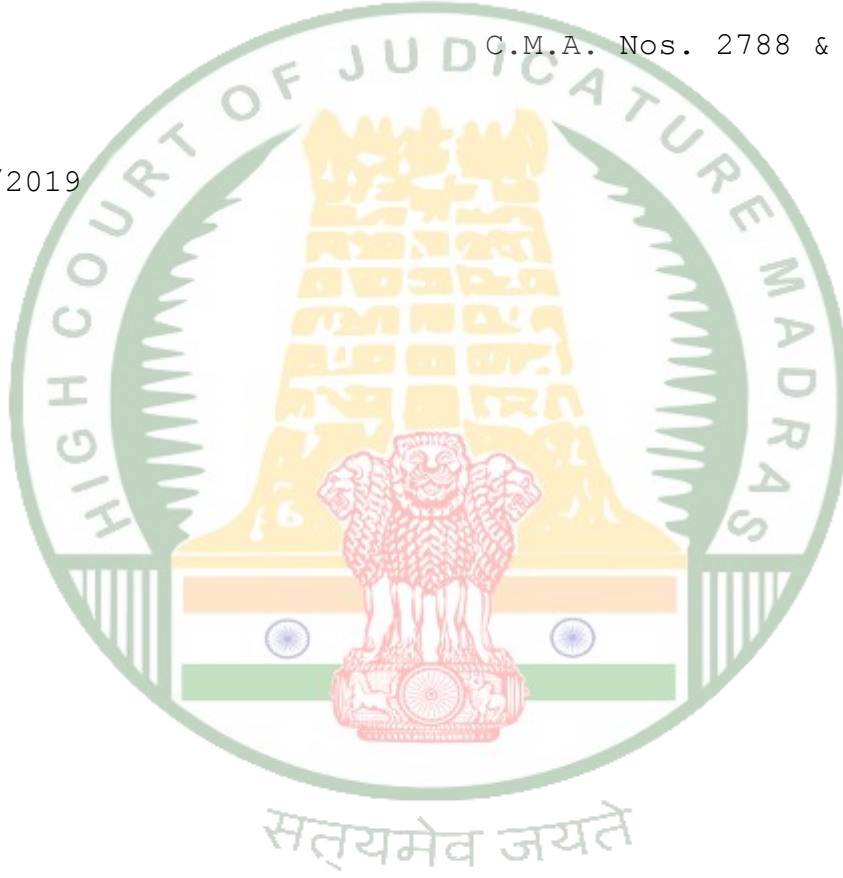
The III Additional Principal Judge,
Family Court,
Chennai.

+lcc to Mr.A.Saravanan, Advocate Sr.19268

+lcc to Mr.G.Velumani, Advocate Sr.19871

C.M.A. Nos. 2788 & 2791 of 2018

rv[co]
srg 12/04/2019



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