



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 04.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and

THE HONOURABLE MRS.JUSTICE R.THARANI

C.M.A. (MD) No.664 of 2019

and

C.M.P. (MD) No.8134 of 2019

Sarankumar

... Appellant

Vs.

Uma Maheswari

...Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 19 of the Family Courts Act, to set aside the fair and decreetal order dated 24.10.2018 made in I.A.No.471 of 2018 in H.M.O.P.No.5 of 2018 on the file of the Family Court Judge, Tirunelveli and allow this Civil Miscellaneous Appeal.

For Appellant

: Mr.S.Deenadhayalan

JUDGMENT

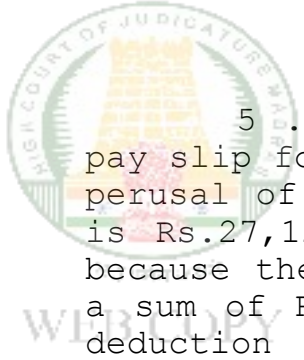
[Judgment of this Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.S.Deenadhayalan, learned counsel appearing for the appellant.

2. This appeal is filed by the appellant / husband under section 19 of the Family Courts Act challenging the order passed by the Family Court, Tirunelveli in I.A.No.471 of 2018 in H.M.O.P.No.5 of 2018 dated 24.10.2018.

3. The said petition was filed by the respondent / wife under Section 24 of the Hindu Marriage Act claiming interim maintenance and litigation expenses. The family Court, after taking into consideration that the appellant / husband was employed in ICICI Bank, directed the appellant/ husband to pay a sum of Rs.10,000/- to the respondent / wife towards interim maintenance and Rs.10,000/- towards litigation expenses.

4. The learned counsel for the appellant strenuously contended that the appellant is not working as an Assistant Manager but only working as a Clerk in ICICI Bank, his salary is very meagre and the amount of interim maintenance order is excessive and the appellant / husband is not able to pay the same.



5. The learned counsel has also drawn our attention to the pay slip for the month of October, 2018 issued to the appellant. On perusal of the pay slip, we find that the earning of the appellant is Rs.27,124/-. However the net salary is Rs.16,882/-. This is because the appellant has availed salary advance. Consequentially, a sum of Rs.9,033/- is deducted from his salary. Apart from the deduction for Provident Fund, Mobile Education, Central GST and State GST, the appellant having availed the salary advance cannot take advantage of any drawn and state that he is not financially sound. Considering these facts, the learned family Court rightly ordered the petition and directed a sum of Rs.10,000/- as interim maintenance and Rs.10,000/- as litigation expenses, though the respondent / wife claimed a sum of Rs.20,000/- as maintenance.

6. We find no error in the order passed by the Family Court. Accordingly, the Civil Miscellaneous Appeal fails and dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Family Court Judge, Tirunelveli
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.(2)

ORDER MADE IN
C.M.A. (MD) No.664 of 2019
04.09.2019

CS(18.09.2019) 2P 4C