



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.667 of 2019
and
C.M.P. (MD)No.8147 of 2019

K.Vellaisamy ... Appellant/Respondent/Plaintiff

Vs.

1.K.Kanimozhi ... 1st Respondent/Petitioner/Respondent

2.Minor Anbezhi ... 2nd Respondent/Petitioner/Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 19 of the Family Courts Act to call for the records relating to the impugned order passed in I.A.No.529 of 2016 dated 22.08.2017 in H.M.O.P.No.966 of 2015 on the file of the Family Court, Madurai and set aside the same and allow this Civil Miscellaneous Appeal.

For Appellant : Mr.R.Venkateswaran

For Respondents : Mr.S.Muniyandi

JUDGMENT

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

Heard Mr.R.Venkateswaran, learned counsel appearing for the appellant and Mr.S.Muniyandi, learned counsel, appearing for the first respondent.

2. By consent of both parties, this appeal is taken up for final disposal.

3. This appeal under Section 19 of the Family Courts Act is directed against the order passed by the Family Court, Madurai in I.A.No.529 of 2016 in H.M.O.P.No.966 of 2015 dated 22.08.2017. By the impugned order, the appellant / husband has been directed to pay a sum of Rs.9,000/- per month to the first respondent, wife and a sum of Rs.6,000/- per month to the second respondent, his minor daughter, aged about 8 years, and in total a sum of Rs.15,000/- as interim maintenance from the date of petition till the date of



disposal of the H.M.O.P.No.966 of 2015 or until modification of the order.

4. The learned counsel for the appellant would contend that the second respondent / wife is well placed as her father is a Contractor and her brother is working as Professor in a famous College in Chennai and gross income of the respondent is a sum of Rs.60,000/- and therefore, the first respondent / wife has sufficient means to maintain herself. This averment was considered by the learned family Court and found that the appellant / husband has not produced any oral or documentary evidence to show that the first respondent / wife has sufficient means to maintain herself. In the absence of any record placed before the family Court, the averments set out in the maintenance petition was considered and though the first respondent / wife has claimed a sum Rs.12,5000/- per month towards interim maintenance to her and the second respondent /minor child, the Family Court fixed the amount of monthly interim maintenance as Rs.9,000/- per month to the first respondent / wife and Rs.6,000/- for the second respondent / minor child.

5. We find that there is no error in the order passed by the Family Court and we decline to interfere with the impugned order. Accordingly, the Civil Miscellaneous Appeal fails and dismissed.

6. At this juncture, the learned counsel for the petitioner submitted that this Court may direct the learned Family Court to dispose of the HMOP at an early date. We refrain from issuing any positive direction, but give liberty to the appellant / husband to move the Family Court for early hearing. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To
The Judge, Family Court, Madurai.

ORDER MADE IN
C.M.A. (MD) No.667 of 2019
04.09.2019

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