



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2019

CORAM:

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE MR.JUSTICE T.RAVINDRAN**

C.M.A (MD) No. 917 of 2019
and
C.M.P (MD) No. 12330 of 2019

Senthilkumar

... Appellant / Respondent

Vs.

Seetha Lakshmi

... Respondent / Petitioner

Prayer: Civil Miscellaneous Appeal filed under Section 19(1) of the Family Court Act against the fair and decreetal order passed by the Family Court, Dindigul in I.A.No.77 of 2019 in H.M.O.P.No.116 of 2018 dated 23.05.2019.

For Appellant : Mr.C.Susikumar

For Respondent : Mr.J.Lawrance

JUDGMENT

(Judgment of the Court was delivered by
M.DURAI SWAMY, J.)

Challenging the fair and final order passed in I.A.No.77 of 2019 in H.M.O.P.No.116 of 2018, on the file of the Family Court, Dindigul, the appellant, who is the husband of the respondent, has filed the above Civil Miscellaneous Appeal.

2.The appellant / husband filed the original petition in H.M.O.P.No.116 of 2018 for divorce on the ground of cruelty and in the said H.M.O.P, the respondent / wife filed an application in I.A.No.77 of 2019 under Section 24 of the Hindu Marriage Act, 1954, claiming monthly maintenance of Rs.10,000/- and a further sum of Rs.10,000/- towards litigation expenses.

3.The Family Court, Dindigul, awarded a monthly maintenance of Rs.5,000/- to the respondent / wife and rejected the claim of Rs.10,000/- towards litigation expenses.



4.In the affidavit filed in support of petition, the respondent / wife has stated that the appellant / husband has got sufficient income to pay the maintenance of Rs.10,000/- per month. Further, she has stated that the appellant / husband is getting agricultural income and he has also purchased a motor cycle for a sum of Rs.75,000/- bearing Registration No.TN-57-BH-2765.

5.The appellant / husband disputed the averments stated in the affidavit filed in support of the petition and has stated that he is getting a salary of Rs.10,000/- only. Further, it is stated that the respondent / wife is employed and getting a monthly income of Rs.13,000/-.

6.The Family Court, Dindigul, taking into consideration the case of both parties, came to the conclusion that the appellant / husband would be earning a sum of Rs.10,000/- per month and therefore, he is liable to pay the interim maintenance of Rs.5,000/- per month to the respondent / wife.

7.It is needless to state that it is the bounden duty of the appellant / husband to maintain his wife. Taking into consideration the present days' cost of living and the inflation, the award of Rs.5,000/- towards monthly maintenance is very much reasonable. In these circumstances, we do not find any ground to interfere with the order passed by the Family Court, Dindigul and the Civil Miscellaneous Appeal is liable to be dismissed and accordingly, the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

ps

To

1.The Family Court,Dindigul.

2.The Record Keeper, V.R Section,(2 Copies)

Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M/S.J.LAWRANCE, Advocate (SR-105798[F] dated 19/12/2019)

+1 CC to M/s.C.SUSIKUMAR, Advocate (SR-106294[F] dated 20/12/2019)

C.M.A(MD)No.917 of 2019

18.12.2019

TK/SAR./06.01.2020/2P/6C

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