

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2020

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

C.M.A.No.244 of 2020

S.Mohammed Ghouse ... Appellant/Respondent/Petitioner
Vs.
V.Visha @ Nisha ... Respondent/Petitioner/Respondent

PRAYER : Appeal filed under Section 19 of the Family Courts Act, 1984 to set aside the order dated 25.11.2019 passed in I.A.No.2 of 2019 in O.P.No.3062 of 2018 on the file of V Additional Principal Judge, Family Court, Chennai.

For Appellant : Mr.S.Anil Sandeep

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

This appeal is preferred by the appellant challenging the order passed in I.A.No.2 of 2019 in O.P. No. 3062 of 2019, pending the petition filed for divorce, by which, the appellant was directed to pay a sum of Rs.15,000/- per month towards the interim maintenance from the date of the petition - 19.06.2019.

2. The learned counsel appearing for the appellant submitted that the Family Court did not take into consideration the other expenses incurred. The salary of the appellant is not so high. It is the respondent, who left the matrimonial home. The respondent has sufficient means. Therefore, the order of the Family Court requires interference.

3. We do not find any reason to interfere with the order passed by the Family Court. A factual finding has been given on the earning capacity of the appellant as against the respondent. There is no material to hold that the respondent is having sufficient means apart from being employed. Though the respondent sought for Rs.50,000/- per month, the Family Court

ordered only Rs.15,000/- per month towards interim maintenance, which we do not find to be excessive.

4. Admittedly, the appellant is employed as Pilot. Thus, considering the above, we are not inclined to interfere with the order passed by the Family Court.

5. In view of the above, the Civil Miscellaneous Appeal stands dismissed. Taking into consideration the fact the O.P. is pending from 19.07.2018, we call upon the V Additional Principal Judge, Family Court, Chennai to dispose of O.P.No.3062 of 2018 within a period of six months from the date of receipt of a copy of this judgment. No costs. Consequently, connected C.M.P.No.1753 of 2020 is closed.

Sd/-

Assistant Registrar(C.S.VIII)

/True Copy/

Sub Assistant Registrar

To

The V Additional Principal Judge,
Family Court,
Chennai.

AKM/11.03.2020 /2P-2C/

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