

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2020

CORAM

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

C.M.A.No.507 of 2020
and
C.M.P.No.3054 of 2020

K.Muruguselvam Appellant/Respondent

Vs.

S.Karthikaa ... Respondent/Petitioner

Appeal filed under Section 19 of Family Courts Act against the order and decree dated 23.10.2019 made in I.A.No.1 of 2019 in H.M.O.P.No.3704 of 2017 on the file of I Additional Family Court, Chennai.

For Appellant : Mr.P.G.Thiyagu

For Respondent : Dr.C.Ravichandran

JUDGMENT

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

This appeal is directed against the order of the Family Court in I.A.No.1 of 2019 pending the petition filed by the appellant in H.M.O.P.No.3704 of 2017 for divorce. The Family Court granted a sum of Rs.25,000/- against the claim of Rs.30,000/- sought for by the respondent as interim maintenance. Incidentally, one time litigation expenses of Rs.10,000/- has been granted.

2.Heard the learned counsel appearing for the appellant and the learned counsel appearing for the respondent.

3.Learned counsel appearing for the appellant submitted that the marriage itself has been solemnized on 14.09.2016. The divorce petition has been filed in October, 2017. Both the

appellant and the respondent are gainfully employed. The respondent was aged about 48 years at that point of time as against the appellant, who was 49 years. The Family Court committed an error in passing the interim maintenance by way of huge amount notwithstanding the factum of take home salary, which is only Rs.39,663/- and the appellant will have to maintain his aged parents.

4.Learned counsel appearing for the respondent submitted that she was employed earlier but resigned on 03.05.2019 due to heart ailment. It is not correct to state that the respondent is earning sufficiently. Since no maintenance has been paid, she has joined a part time job. Therefore, the order of the Family Court required no interference.

5.As stated, the marriage was solemnized on 14.09.2016. Thereafter, the divorce petition has been filed in October, 2017. At the time of marriage, both the parties were of advanced age. They are also educationally qualified. The respondent was also working though at the time of marriage and even thereafter, she resigned the job which came into effect on 03.05.2019. It appears that she has got some other job though the nature of job is not known. The salary of the appellant is stated to be about Rs.60,000/-.

6.Considering the above, we are of the view that the Family Court has granted excess amount to the respondent. Thus, in the light of the above discussion, the interim maintenance awarded at Rs25,000/- per month stands reduced to Rs.17,000/- per month. Accordingly, the Civil Miscellaneous Appeal stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

7.Arrears will have to be paid within a period of six weeks from the date of receipt of a copy of this judgment. Taking into consideration the fact that H.M.O.P.No.3704 of 2019 is pending for nearly two years, the I Additional Family Court, Chennai is directed to dispose of the same within a period of six months from the date of receipt of a copy of this judgment.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mmi

To

The I Additional Family Court,
Chennai.

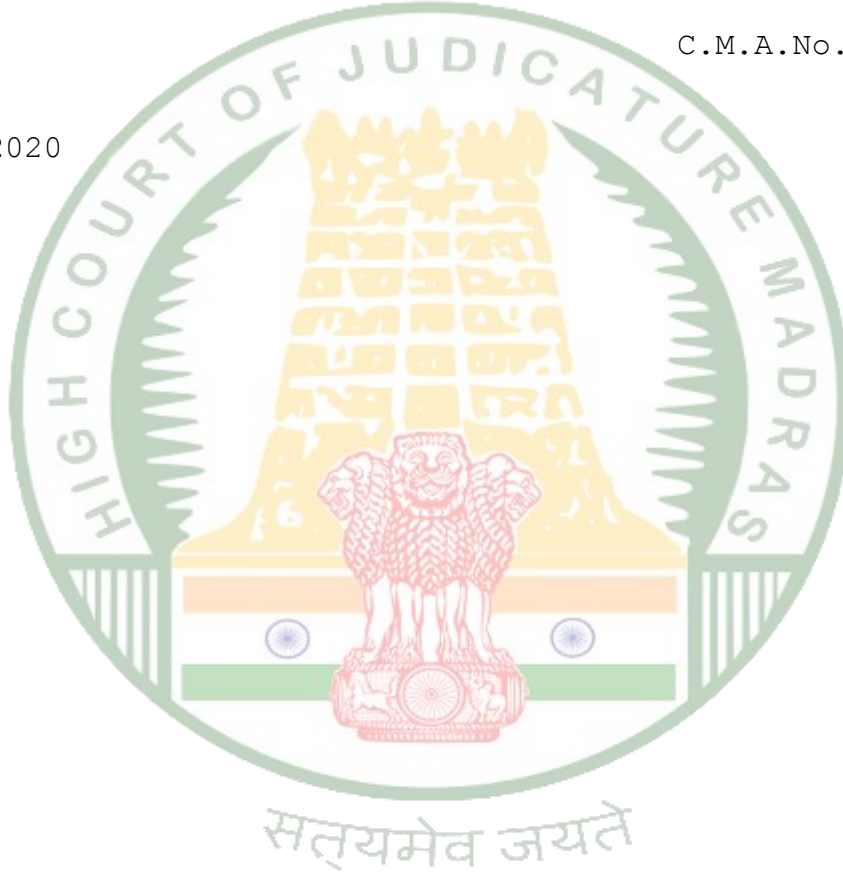
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The Section Officer,
VR Section, High Court,
Madras-104.

+lcc to Mr.P.G.Thiyagu, Advocate, S.R.No.12281

+lcc to Mr.S.B.Viswanathan, Advocate, S.R.No.12305

C.M.A.No.507 of 2020

NMI (CO)
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