

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.02.2020

Coram

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

C.M.A.No. 519 of 2020
and C.M.P.No. 3183 of 2020

M.P.Hemabooshanam .. Appellant /Respondent

vs.

J.Thamarai Selvi .. Respondent/Petitioner

Appeal filed under Section 19 of the Family Courts Act against the order dated 20.12.2019 made in I.A.No.1 of 2019 in O.P.No.2712 of 2018 on the file of the V Additional Family Court, Chennai.

For Appellant : Mr.Ganapathy Thangavel

JUDGMENT

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

This appeal is preferred by the appellant, aggrieved over the order dated 20.12.2019 passed in I.A.No.1 of 2019 in O.P.No.2712 of 2018, which was filed by him for restitution of conjugal rights.

2.By the aforesaid order, the V Additional Family Court, Chennai granted a sum of Rs.15,000/- per month to be payable to the respondent and her children though a sum of Rs.50,000/- has been sought for.

3.Learned counsel appearing for the appellant submitted that the case has reached the trial stage. The Family Court committed an error in stating that the appellant has filed a petition for divorce whereas he has filed a petition only for restitution of conjugal rights. The application has been filed by the respondent at the fag end and ordering any maintenance would delay the main case. Therefore, the order of the Family

Court requires interference.

4.We do not find any merit in the appeal. The respondent filed the petition as early as 26.02.2019. Therefore, it is not as if she has filed the said petition which is to preempt the appellant from getting the decree. Admittedly, the appellant and the respondent are living separately and the children are with the respondent. Though the respondent has sought for Rs.50,000/-, the Family Court has awarded only Rs.15,000/-.

5.In such view of the matter, we do not find any error warranting interference with the order of the Family Court. The Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS VI)

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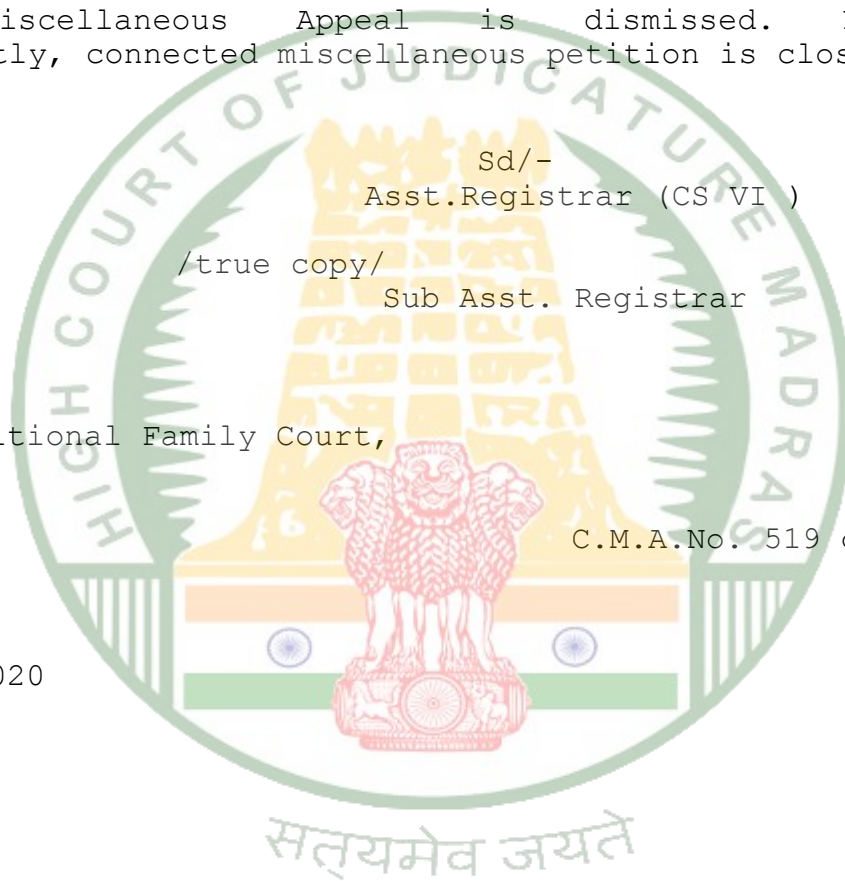
Sub Asst. Registrar

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To

The V Additional Family Court,
Chennai.

C.M.A.No. 519 of 2020

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