

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2020

CORAM

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

C.M.A.NO.584 OF 2020
&
C.M.P.NO.3651 OF 2020

M.Rajakrishna Bharathy Appellant/Respondent

Vs.

1.Vijithra
2.Minor Heavanthika
(R2 rep by R1) ... Respondents/Petitioners

Appeal filed under Section 19 of the Family Courts Act, 1984 against the fair and final order dated 07.11.2019 made in I.A.No.6719 of 2018 in O.P.No.1631 of 2018 on the file of VI Additional Principal Judge, Family Court, Chennai.

For Appellant ... Mr.K.S.Karthik Raja

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

Pending the petition filed for restitution of conjugal rights by the first respondent, she filed an application for interim maintenance. This application has been filed on behalf of the first respondent and also the minor child. Accordingly, a sum of Rs.25,000/- has been sought for towards interim maintenance and Rs.5,000/- has been sought for towards legal expenses. The Family Court awarded Rs.15,000/- in toto divided into Rs.7,000/- for the first respondent and Rs.8,000/- for the second respondent towards interim maintenance while declining the litigation expenses. Challenging the same, the present appeal has been filed.

2.Learned counsel appearing for the appellant submitted that the respondent is employed. He further submitted that the appellant is ready and willing to live with the respondent. There is a possibility that the appellant might lose his job.

Therefore, the order of the Family Court requires interference.

3.We do not find any merit in this appeal. Ex.R12 reveals that the gross salary of the appellant is Rs.80,646/- and net salary is Rs.73,677/-. The status of the parties is not in dispute so also the second respondent having been born out of the wedlock between the appellant and the first respondent. Though the first respondent is working, her salary is very meagre compared to that of the appellant. There is no contra material to show that the respondent is sufficiently earning to take care of herself and the child. In any case, maintaining the child is the responsibility of the appellant. It is only under those circumstances, the Family Court ordered only Rs.15,000/- for interim maintenance to the first respondent and the child which we do not think as excessive. We may also note that the Family Court also has not awarded any amount towards litigation expenses.

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

5.Taking into consideration the fact that the petition filed in O.P.No.1631 of 2018 is pending for nearly two years, we direct the VI Additional Family Court, Chennai 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(CS V)

//True Copy//

Sub Assistant Registrar

mmi

To

The VI Additional Principal Judge,
Family Court, Chennai.

+1cc to Mr.K.S.Karthik Raja, Advocate, S.R.No.13902

C.M.A.No.584 of 2020

PP(CO)
CS/10/11/2020