

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2020

CORAM

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

C.M.A.No.2260 of 2019

Krishnamurthy ... Appellant/Respondent/Petitioner
Vs.

Kavitha ...Respondent/Petitioner/Respondent

PRAYER : Appeal filed under Section 19 of the Family Courts Act against the order dated 21.02.2019 made in I.A.No.847 of 2018 in O.P.No.1913 of 2017 on the file of VII Additional Family Court, Chennai.

For Appellant : Mr.S.Janarthanam

For Respondent : Mr.M.Nandhakumar

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

This appeal has been preferred by the appellant aggrieved over the order passed in I.A.No.847 of 2018 in O.P.No.1913 of 2017, by which, the Family Court directed the appellant to pay a sum of Rs.6,000/- per month from the date of the petition along with the litigation expenses of Rs.25,000/- to the respondent.

2. The learned counsel appearing for the appellant submitted that the appellant was doing the job of milching of cows. He neither owns cow nor doing any business and, therefore, he is not in a position to pay the interim maintenance ordered by the Family Court. Thus, the appeal will have to be allowed.

3. The learned counsel appearing for the respondent submitted that not only the appellant owns cow and doing business in selling the milk but also receiving rent. Thus, the appeal will have to be dismissed.

4. We are not inclined to interfere with the order passed by the Family Court. What was ordered by the Family Court is only to pay a sum of Rs.6,000/- per month as an interim maintenance. The status of the parties is not in dispute. The Family Court recorded the fact which the appellant admitted that he was having milching cows and doing milk vending business. Thus, the order of the Family Court requires no interference.

5. The Civil Miscellaneous Appeal is dismissed. Taking into consideration the fact that the O.P.No. 1913 of 2017 is pending for more than three years, we direct the VII 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. No Costs. Consequently, connected C.M.P.No.9722 of 2019 is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

ssm

To

The VII Additional Family Court,
Chennai.

+2ccs to Mr.D. Pushpa Advocate, S.R.No.15984

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C.M.A.No.2260 of 2019

vba (CO)
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