

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.01.2020

Coram

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

C.M.A.No.597 of 2018

G.Ponvel

.. Appellant

vs.

1.M.Kokila

2.Diksha

3.Prathiksha

(Both Minors rep.by their Mother R1)

.. Respondents

Appeal filed under Section 19 of the Family Courts Act against the fair and decreetal order made in I.A.No.2353 of 2017 in H.M.O.P.No.1877 of 2017 dated 22.02.2018 on the file of VI Additional Family Court, Chennai.

For Appellant : Mr.A.K.Sriram
for Mr.Kailasam Associates

For Respondents : Mr.V.Nicholas

JUDGMENT

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

This appeal has been filed by the appellant, who is the petitioner in H.M.O.P. No.1877 of 2018 filed for divorce on the ground of desertion. Pending the aforesaid petition, the first respondent filed an application seeking interim maintenance for herself and two children in I.A. No.2353 of 2017. Though she claimed a sum of Rs.50,000/-, the Family Court awarded Rs.17,000/-. The said amount of Rs.17,000/- was apportioned as Rs.10,000/- to the first respondent and the remaining amount to be used for the maintenance of two female children. Challenging the same, the present appeal has been filed.

2.Learned counsel appearing for the appellant submits that the first daughter has attained majority on 29.01.2018 and therefore, the order passed on 22.02.2018 requires to be modified insofar as she is concerned. He further submits that the appellant's business is not being sound and therefore the same requires to be modified.

3.Learned counsel appearing for the respondents submitted that the appellant is doing multiple business activities. He is also running a travel agency. The Family Court considered the relevant materials and passed an order of interim maintenance. Admittedly, two children are living with the first respondent. Their education expenses also will have to be taken into consideration. Therefore, no interference is required.

4.On the amount fixed as interim maintenance, we do not find any reason to interfere with the order passed by the Family Court. Admittedly, the appellant has been indulging in number of business activities. There is nothing to hold that the first respondent has sufficient means to take care of herself and two children. The two children are with the first respondent and they are also studying. In such view of the matter, we are not inclined to interfere with the quantum as the Family Court has granted only Rs.17,000/- by taking into consideration the financial capacity of the appellant and the claim itself is for Rs.50,000/-.

5.However, we find force in the submission made by the learned counsel for the appellant with respect to the payment of maintenance to the first daughter, who has attained majority on 29.01.2018. In such view of the matter, the maintenance as ordered by the Family Court will have to be paid to the first daughter till 28.01.2018. The arrears amount will have to be paid within a period of six weeks from the date of receipt of a copy of this judgment.

6.In such view of the matter, the Civil Miscellaneous Appeal stands dismissed. No costs. While dismissing the appeal, we direct the VI Additional Principal Judge, VI Additional Family Court, Chennai, to dispose of H.M.O.P.No.1877 of 2017 within a period of six months from the date of receipt of a copy of this judgment.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

mmi

To

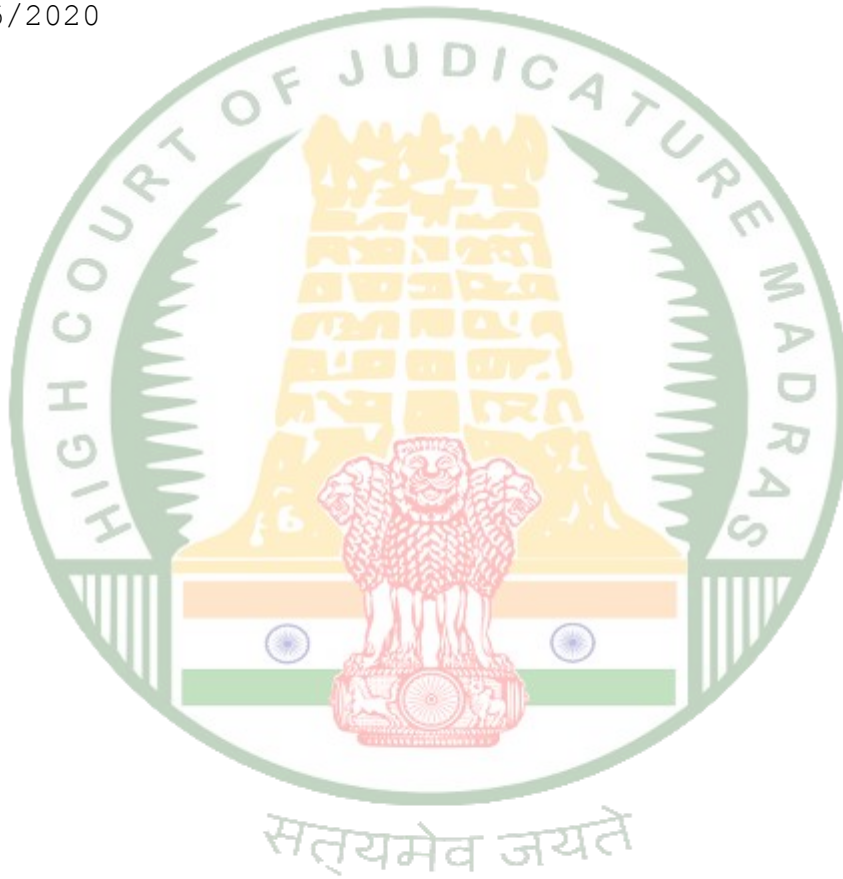
The VI Additional Family Court,
Chennai.

+1 CC to Ms. A.S.Kailasam & Associates, Advocates SR 1744

+ 1 CC to Mr. v.Nicholas, Advocate SR 2041

C.M.A.No. 597 of 2018

MRP 29/05/2020



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