

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2020

CORAM:

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

C.M.A. No. 2963 of 2019  
& C.M.P.No.15796 of 2019

P.Karthikeyan ... Appellant  
Vs.  
V.Hamrudha ... Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act, 1984, praying to set aside the fair and decreetal order dated 04.04.2019 passed in I.A.No.1233 of 2018 in O.P.No.4450 of 2016 on the file of I Additional Family Court, Chennai.

For Appellant : Mr.M.Baskar  
For respondent : Mr.A.Vivekanandhan

JUDGMENT

(Judgment of the Court was made by M.M.Sundresh,J.)

This civil miscellaneous appeal is preferred by the appellant-husband seeking to set aside the interim maintenance awarded by I Additional Family Court, Chennai, in I.A.No.1233 of 2018 in O.P.No.4450 of 2016 on 04.04.2019.

2.The appellant-husband has filed a petition for divorce in H.M.O.P.No.4450 of 2016. During the pendency of the main original petition, the respondent-wife has filed I.A.No.1233 of 2018 in O.P.No.4450 of 2016 seeking interim maintenance. Though she sought for a sum of Rs.20,000/-, the I Additional Principal Judge, Family Court, Chennai, has awarded only a sum of Rs.10,000/- for herself and the minor child Navish.

3.The learned counsel appearing for the appellant would submit that even before the Family Court, documents have been filed to substantiate the fact that the appellant has no permanent job. He has also given the property in the name of the respondent. Incidentally, he is paying the amount for the educational expenses of the child Navish. It is further

submitted that the respondent is gainfully employed elsewhere.

4.The learned counsel appearing for the respondent would submit that the averment in the counter affidavit that the respondent is employed elsewhere is not correct. Though a sum of Rs.20,000/- has been sought for by the respondent, the Family Court has awarded only a sum of Rs.10,000/-, which itself is not high. The appellant is a qualified person and receiving rents and hence, the above appeal has to be dismissed.

5.The I Additional Principal Judge, Family Court, Chennai has awarded interim maintenance not only to the respondent but also to the child. Admittedly, the child is living with the respondent-wife. There is no material to hold that the respondent-wife is earning. We do not know under what circumstance the property document has been executed conveying the title in favour of the respondent. What the respondent seeks is only interim maintenance. However, considering the facts of the case that the appellant was relieved from the erstwhile employment, a sum of Rs.10,000/- towards interim maintenance awarded by the I Additional Principal Judge, Family Court, Chennai, for herself and the minor child Navish is reduced to Rs.9,000/-. Accordingly, the above civil miscellaneous appeal stands allowed to the extent indicated above. No costs. Consequently, connected civil miscellaneous petition stands closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

raa

To:

The I Additional Principal Judge,  
Family Court, Chennai.

+1cc to Mr.S.Sugendran, Advocate, S.R.No.2707  
+1cc to Mr.A.Vivekanandham, Advocate, S.R.No. 2492

C.M.A.No.2963 of 2019

PM(CO)  
GN(21/02/2020)