

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.01.2020

Coram

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

C.M.A.No.2944 of 2019
and C.M.P.No.15627 of 2019

Nandhini

.. Appellant

vs.

M.Sundar

.. Respondent

Appeal filed under Section 19 of the Family Courts Act against the fair and decretal order dated 02.04.2019 passed in I.A.No.237 of 2018 in H.M.O.P.No.103 of 2017 on the file of the Family Court, Thiruvallur.

For Appellant : Mr.R.Thanjan

For Respondent : No appearance

JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

This appeal is preferred by the appellant, who is the respondent in HMOP No.103 of 2017 filed by the respondent before us seeking divorce. The appellant filed an application seeking interim maintenance for a sum of Rs.30,000/- per month. The Family Court awarded Rs.2,000/- per month. Seeking enhancement of the same, the present appeal has been filed.

2.Heard the learned counsel appearing for the appellant. As has happened on one of the earlier occasions, even today, there is no representation on behalf of the respondent. In fact, the matter stands posted 'for orders' today. Therefore, we are proceeding with the matter after perusing the available materials.

3.Learned counsel appearing for the appellant submitted that the Family Court found that the respondent is receiving a sum of Rs.19,617/- as per Ex.C1. Thus, the Family Court committed an error in awarding only a sum of Rs.2,000/- especially when the appellant does not have any means to maintain herself.

4.The fact that the respondent is gainfully employed is not in dispute. He is also stated to be an Engineer by profession. Records would suggest he is receiving a salary of Rs.22,233/- and after deduction he is receiving a sum of Rs.19,617/-. This document has been marked as Ex.C1. Therefore, we are of the view that the Family Court is not correct in awarding a paltry sum of Rs.2,000/-, which amount would be impossible for anybody to lead a life.

5.In such view of the matter, while setting aside the order passed by the Family Court, we are inclined to award a sum of Rs.6,000/- per month instead of Rs.2,000/- awarded. The Civil Miscellaneous Appeal stands allowed. No costs. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

mmi

To

The Family Court,
Thiruvallur.

+1cc to Mr.R.Thanjan, Advocate SR.94

PM(CO)
CB(25/02/2020)

सत्यमेव जयते C.M.A.No.2944 of 2019

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