

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2020

CORAM

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

C.M.A.No.3274 of 2019

D.Kesavan

... Appellant

Vs.

D.Anitha

... Respondent

PRAYER : Appeal filed under Section 19 of the Family Courts Act against the order and decreetal order passed by the IV Additional Principal Judge, Family Court, Chennai made in I.A.No.3647 of 2017 in O.P.No.1772 of 2017 dated 28.06.2019.

For Appellant : Mr.C.Prakasam

For Respondent : Mr.M.Muruganantham

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

This appeal is preferred by the appellant aggrieved over the interim maintenance granted by the Family Court pending the petition filed by the respondent for restitution of conjugal rights.

2. The learned counsel appearing for the appellant would submit that the respondent is gainfully employed. She was working abroad. Thereafter, she resigned and joined another job. The amount payable would be huge. The appellant will have to take care of the aged parents. Therefore, there should be some reduction insofar as the food and other expenses are concerned. Thus, the appeal will have to be allowed.

3. The learned counsel appearing for the respondent while denying the factum of employment submitted that the appellant is actually earning more and, therefore, the appeal will have to be dismissed.

4. The Family Court, directed the appellant to pay the house rent, school fees, other incidental fees and fees for extra curricular activities of their children. Similarly, the question as to whether the respondent is gainfully employed or not is also not touched upon. Suffice it to say that the respondent is also highly qualified. Thus, the amount of Rs.20,000/- awarded by the Court below for food and other incidental expenses towards interim maintenance is reduced to Rs.10,000/- for the reason that the respondent is capable of earning and the appellant is taking care of other expenses, including the house rent.

5. In such view of the matter, the Civil Miscellaneous Appeal stands allowed in part. No Costs. Consequently, connected C.M.P.No.18933 of 2019 is closed. The arrears, if any, will have to be paid within a period of four weeks from the date of receipt of a copy of this judgment.

6. Taking into consideration the fact that H.M.O.P. Nos. 1772 of 2017 and 3312 of 2015 are pending, we direct the IV Additional Family Court, Chennai to dispose of both the cases filed by the parties within a period of six months from the date of receipt of a copy of this judgment.

-s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

ssm  
To

The IV Additional Principal Judge,  
Family Court,  
Chennai.

+1 CC to Mr.M.Muruganantham, Advocate sr 3778.

WEB COPY

C.M.A.No. 3274 of 2019

MR(CO)  
SP(28/02/2020)