

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2020

CORAM

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

C.M.A.No.3411 of 2019

D.Manikandan

... Appellant

Vs.

Surya

... Respondent

PRAYER : Appeal filed under Section 19 of the Family Courts Act, 1984 against the order and decretal order passed in I.A.No.159 of 2019 in F.C.O.P.No.2066 of 2016 dated 02.07.2019 passed by the VI Additional Family Court, Chennai.

For Appellant : Mr.V.Chanakya

For Respondent : Ms.Elizabeth Ravi

JUDGMENT

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

This appeal has been preferred by the appellant, who is the petitioner in F.C.O.P. No.2066 of 2016, aggrieved over the order passed in M.P.No.159 of 2019 in F.C.O.P.No.2066 of 2016, by which, a sum of Rs.10,000/- per month as interim maintenance has been ordered from the date of filing of the petition.

2. The learned counsel appearing for the appellant submitted that inasmuch as the appellant is a Tailor, he cannot afford to pay the interim maintenance. The respondent has lived with him only for a short period. Hence, the appeal will have to be allowed.

3. The learned counsel appearing for the respondent would submit that the respondent is in penury from the year 2016 onwards. She underwent a major surgery recently. Thus, a sum of

Rs.15,000/- has been sought for as interim maintenance whereas the Family Court awarded only Rs.10,000/-. Hence, the appeal will have to be dismissed.

4. Considering the submissions made, we are inclined to fix Rs.8,000/- as interim maintenance as against Rs.10,000/- ordered by the Family Court. We feel that this amount would be reasonable considering the status of the parties. The arrears will have to be paid within a period of six weeks in two instalments. The first instalment would start running from the date of receipt of a copy of this judgment. The second instalment shall be paid thereafter.

5. In view of the above, the Civil Miscellaneous Appeal stands allowed in part. Taking into consideration the fact that F.C.O.P.No.2066 of 2016 is pending for more than four years, we direct VI Additional Principal Judge, 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.

s/d-

Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

ssm
To

The VI Additional Principal Judge,
Family Court, Chennai.

+1 CC to Mr.V.Chanakya, Advocate sr 6039.
+1 CC to Mr.P. Raja, Advocate sr 6536.

C.M.A.No.3411 of 2019

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NMI (CO)
SP(26/02/2020)