

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2020

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

C.M.A.No.4098 of 2019
and
C.M.P.Nos.23140 of 2019 and 1582 of 2020

K.Mohanavelu
S/o.J.Kathirvelu ... Appellant

Vs

M.Sandhiya
D/o.Selvaraj ... Respondent

Civil Miscellaneous Appeal filed u/s.19 of the Hindu Marriage Act, 1955, against the order passed in I.A.No.1 of 2019 in O.P.No.974 of 2019 on the file of learned Principal Judge, Principal Family Court, Chennai, dated 24.09.2019.

For Petitioner : Mr.T.G.Balachandran

For Respondent : Mrs.Gajalakshmi Rajendran

JUDGMENT

[Judgment of this Court was made by R.SUBBIAH, J]

The present appeal has been filed against the order passed in I.A.No.1 of 2019 in O.P.No.974 of 2019 on the file of learned Principal Judge, Principal Family Court, Chennai, dated 24.09.2019.

2. Appellant and respondent are husband and wife. The marriage between them was solemnized on 13.02.2014 and a girl child was born to them on 24.04.2015. Differences arose between them. Appellant/ husband filed O.P.No.974 of 2019 on the file of learned Principal Judge, Principal Family Court, Chennai,

seeking divorce. Pending such petition, respondent/wife filed I.A.No.1 of 2019 in O.P.No.974 of 2019 seeking monthly interim maintenance of Rs.25,000/- and Rs.15,000/- to her and her minor daughter respectively and litigation expenses of Rs.50,000/-. Court below, under order dated 24.09.2019, directed appellant/husband to pay a sum of Rs.5,000/- p.m. each to the respondent/wife and the minor daughter towards interim maintenance. Challenging such order, appellant/husband has filed the present appeal.

3. Heard learned counsel for appellant and learned counsel for respondent.

4. Learned counsel for appellant submits that appellant is doing only computer repair works and is earning a sum of Rs.15,000/- p.m. and it is not a permanent job. Without considering such aspect, Court below has directed appellant/husband to pay a sum of Rs.5,000/- each to respondent and the minor daughter towards monthly interim maintenance.

5. On the other hand, learned counsel appearing for respondent submits that the respondent has to take care of herself and the minor child and her educational expenses. The appellant is earning a sum of Rs.30,000/- p.m. and in the present scenario, the amount of Rs.10,000/- awarded by Court below, towards monthly interim maintenance, cannot be found fault with. Submitting as above, learned counsel prays for dismissal of the present appeal.

6. This Court has considered the rival submissions.

7. Though there is some force in the submission of learned counsel appearing for respondent, this Court finds that the respondent has not produced any documentary evidence to establish that appellant/husband is earning a sum of Rs.30,000/- p.m. In the absence of any evidence to prove the same, this Court finds that the amount of Rs.10,000/- p.m. towards interim maintenance is slightly on the higher side. Accordingly, this Court modifies the amount payable by petitioner/husband to a sum of Rs.8,000/- p.m. (Rs.4,000/- each to respondent and her daughter). In all other aspects, the order of Court below remains unaltered. Court below is directed to dispose of O.P.No.974 of 2019 on the file of learned Principal Judge, Principal Family Court, Chennai, on or before 30.06.2020.

The Civil Miscellaneous Appeal is disposed of with the above modification. No costs. Connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

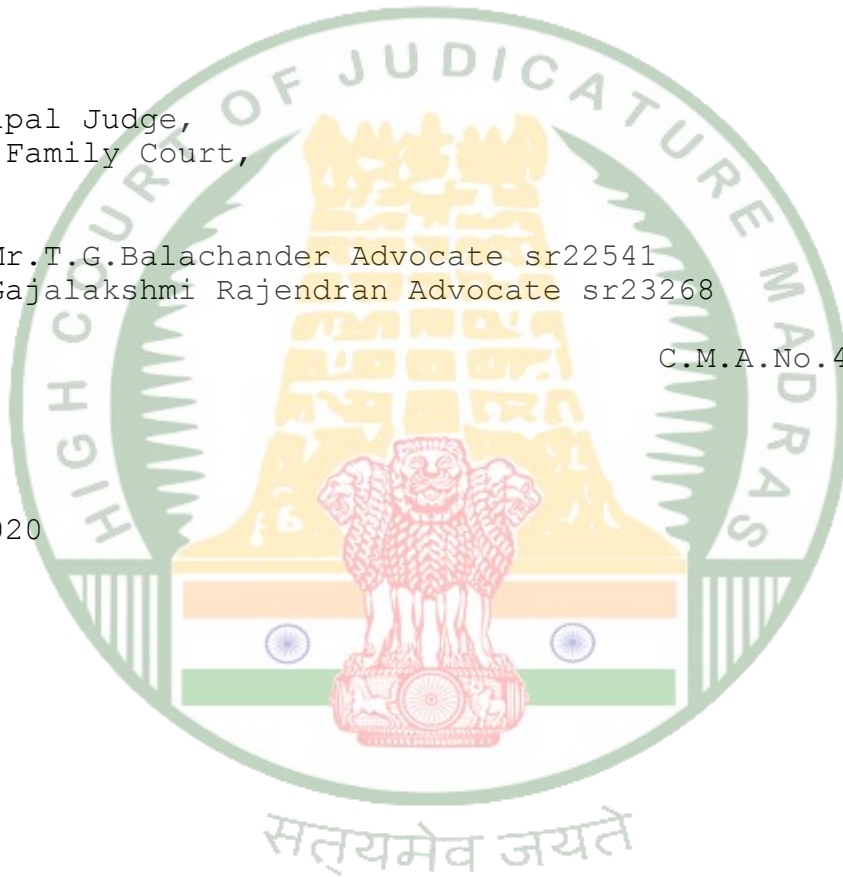
gm
To

The Principal Judge,
Principal Family Court,
Chennai.

+1 cc to Mr.T.G.Balachander Advocate sr22541
+1 cc to Gajalakshmi Rajendran Advocate sr23268

C.M.A.No.4098 of 2019

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