

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2020

CORAM

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

C.M.A.No. 2337 of 2018

M.A.Vivek ... Appellant/Respondent/Respondent
Vs.

R.Nivedita ... Respondent/Petitioner/Petitioner

PRAYER : Appeal filed under Section 19 of the Family Courts Act to set aside the judgment order in I.A.No.318 of 2017 in F.C.O.P.No.239 of 2016 dated 11.10.2017 on the file of Family Court at Vellore.

For Appellant : Mr.R.Sankarasubbu

For Respondent : Mr.P.Sunil S.Suneeth

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

This appeal is preferred by the appellant/husband, aggrieved over the interim maintenance ordered at Rs.20,000/- per month pending the petition for divorce filed by him.

2. Heard the learned counsel appearing for the appellant. The learned counsel appearing for the respondent submits that there is no instruction.

3. The learned counsel appearing for the appellant submitted that as of now the appellant is not employed. The amount awarded by the Family Court is very high. The appellant has already paid substantial amount while complying with the interim order. Therefore, appropriate orders will have to be passed.

4. Admittedly, the appellant is working as Marine Engineer.

There is no evidence to show that he discontinued the services. The Family Court, considered the status of the parties and awarded a sum of Rs.20,000/- for both the respondent as well as the child. However, considering the submission made by the learned counsel appearing for the appellant coupled with the fact that some amount has already been awarded under Section 125 Cr.P.C., the amount awarded for a sum of Rs.20,000/- is reduced to Rs.15,000/-. Of the said amount, the respondent is entitled for a sum of Rs.10,000/- and the remaining amount of Rs.5,000/- is for the child. The litigation expenses awarded by the Family Court is not disturbed.

5. In view of the above, the Civil Miscellaneous Appeal stands allowed in part. No Costs. Consequently, connected C.M.P.No.17876 of 2018 is closed. The appellant shall pay the arrears, if any, within a period of four weeks from the date of receipt of a copy of this judgment.

6. Taking note of the fact that F.C.O.P.No.239 of 2016 is pending from the year 2016 onwards, we direct the Judge, Family Court, Vellore to dispose of the same within a period of six months from the date of receipt of a copy of this judgment.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ssm

To

The Judge,
Family Court,
Vellore.

2.The Sectin Officer
VR Records
High Court Madras-104(+2 copies)

+1cc to M/s.R.Sankara Subbu Advocate sr3333

C.M.A.No.2337 of 2018

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