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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24/1/2020

C O R A M

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

C.M.A.Nos.2871 and 2867 of 2018

C.M.A.No.2871 of 2018

Dr.Senthil Kumar Elangovan .. Appellant

Vs

Dr.Gnanakalyani .. Respondent

C.M.A.No.2867 of 2018

Dr.Gnanakalyani .. Appellant

Vs

Dr.Senthil Kumar Elangovan .. Respondent

Prayer in C.M.A.Nos.2871 and 2867 of 2018: Appeal filed under Section 19 of the Family Courts Act, 1985, against the order and decree of IV Additional Principal Family Court Judge, Chennai, dated 11/4/2018 made in I.A.No.1259 of 2016 in O.P.No.3579 of 2015.

For appellant ... Mr.A.Arulmozhi
(in C.M.A.No.2871 of 2018)
(For Respondent in C.M.A .2867/2018)
For respondent ... Ms.S.P.Arthi
(in C.M.A.No.2871 of 2018)
(For Appellant in C.M.A .2867/2018)

C O M M O N J U D G M E N T
(Delivered by M.M.SUNDRESH,J)

These two appeals have been preferred against the order passed in I.A.No.1259 of 2016 in O.P.No.3579 of 2015, by which the IV Additional Family Court, Chennai, was pleased to grant a



sum of Rs.60,000/-, towards interim maintenance both for the child and respondent, out of Rs.1,50,000/- sought for. Incidentally, another sum of Rs.75,000/- has been directed to be paid towards the litigation expenses.

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2. Learned counsel for the appellant in C.M.A.No.2867 of 2018 submitted that Family Court has committed a factual error in coming to the conclusion with respect to the income of the appellant. Two years income have been added for a single year. Respondent is a Dentist. Appellant will have to take care of other expenses including EMIs to be paid and taking care of aged parents and others apart from maintaining herself.

3. Learned counsel appearing for the respondent who is the appellant in C.M.A.No.2871 of 2018 submits that even as per the records produced, income of the appellant was only 4000 pounds per year.

4. If the submission of the learned counsel for the respondent in C.M.A.No.2871 of 2018, is taken into consideration, interim maintenance fixed by the IV Additional Family Court, Chennai, is rather low. Respondent in C.M.A.No.2871 of 2018 is a Dentist and further more, the child is with the mother.

5. We are not inclined to allow both the appeals. Family Court, awarded Rs.20,000/- to the respondent in C.M.A.No.2871 of 2018, notwithstanding the fact that she is also a qualified Dentist. Secondly, another sum of Rs.40,000/- has been awarded for the maintenance and educational expenses of the child. We feel it is a reasonable amount. As we are satisfied with the amount ordered by the Family Court, we are not inclined to re-appreciate the materials to come to a different conclusion. Both the appeals stand dismissed.

6. Appellant in C.M.A.No.2871 of 2018 is directed to pay the arrears of maintenance, in two instalments, within a span of six weeks each. Taking note of the fact that O.P, is pending for more than four years, we direct the Family Court to dispose of the same, within a period of six months, from the date of receipt of a copy of this order. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar



To:

1. IV Additional Family Court, Chennai
- +2cc To M/s.S.P.Arthi, Advocate, Sr.No. 5663 & 5664
- +2cc To M/s. A.Arulmozhi, Advocate, Sr.No. 5162 & 5163

Civil Miscellaneous Appeal Nos.
2871 and 2867 of 2018

CP (CO)
RMP (15/07/2020)