



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2020

CORAM:

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND**

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

C.M.A(MD)No.30 of 2020

and

C.M.P(MD)No.544 of 2020

Chandran ... Appellant / Respondent / Petitioner

Vs.

Sivamani ... Respondent / Petitioner / Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 19 of the Family Court Act, 1984 against the order dated 10.12.2019 passed by the Family Court, Dindigul in I.A.No.205 of 2019 in H.M.O.P.No.160 of 2018.

For Appellant : Mr.T.Lenin Kumar

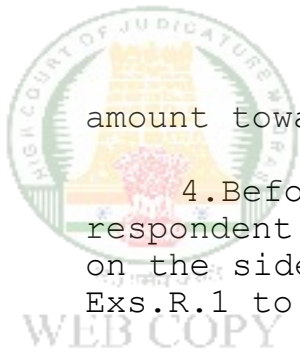
JUDGMENT

(Judgment of the Court was delivered by
M.DURAI SWAMY, J.)

Challenging the fair and final order passed in I.A.No.205 of 2019 in H.M.O.P.No.160 of 2018, on the file of the Family Court, Dindigul, the appellant, who is the husband of the respondent, has filed the above Civil Miscellaneous Appeal.

2.The appellant / husband filed the original petition in H.M.O.P.No.160 of 2018 for divorce on the ground of cruelty and desertion. The respondent / wife filed a counter-affidavit and she is contesting the matter. In the said H.M.O.P, the respondent / wife filed an application in I.A.No.205 of 2019 seeking for interim maintenance of Rs.30,000/- per month. Admittedly, the appellant and respondent had two children, who are with the respondent / wife.

3.The respondent / wife contended that the appellant / husband is earning more than a lakh of rupees per month and therefore, he should pay a monthly maintenance of Rs.30,000/-. However, the appellant / husband contended that the respondent / wife is also earning a sum of Rs.1,00,000/- and therefore he need not pay any



amount towards her monthly maintenance.

4.Before the Family Court, Dindigul, on the side of the respondent / wife, nine documents were marked as Exs.P.1 to P.9 and on the side of the appellant / husband, six documents were marked as Exs.R.1 to R.6.

5.The Family Court, Dindigul, taking into consideration the documentary evidences produced by the parties, directed the appellant / husband to pay a sum of Rs.15,000/- per month as interim maintenance till the disposal of H.M.O.P.No.160 of 2018. While arriving at the said figure, the Family Court observed that it is the duty of the husband to maintain his wife and children and therefore the award of Rs.15,000/- per month would be reasonable.

6.Taking into consideration the present days' cost of living and the inflation, we are of the considered view that the award of Rs.15,000/- towards interim maintenance per month is very much reasonable. We do not find any reason to interfere with the fair and final order passed by the Family Court, Dindigul. Accordingly, the Civil Miscellaneous Appeal is liable to be dismissed and the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ps

To

1.The Judge, Family Court,
Dindigul.

2.The Record Keeper,
V.R Section,
Madurai Bench of Madras High Court,
Madurai.(2c)

+1 CC to M/s.T.LENINKUMAR, Advocate (SR-2560[F] dated 23/01/2020)

**C.M.A(MD)No.30 of 2020
21.01.2020**

KK/SAR/31.01.2020/2P-5C/