



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2021

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

C.M.A.NO.3543 OF 2021 AND C.M.P.NO.20568 OF 2021

K.V.Selvam

...Appellant

vs

Bharathy

...Respondent

Prayer : Appeal filed under Section 19 of the Hindu Marriage Act 1984 against the fair and decretal order dated 08.04.2019 passed by the V Additional Family Court, Chennai in I.A. No.976 of 2018 in H.M.O.P. No.2183 of 2012.

For Appellant : Ms.T.Sree Lekha

For Respondent : Mr.J.Saravana Vel

JUDGMENT

[Judgment of this Court was delivered by T.RAJA, J.]

This appeal has been directed against the impugned decretal order dated 08.04.2019 passed by the V Additional Family Court, Chennai in I.A. No.976 of 2018 in H.M.O.P. No.2183 of 2012 directing the appellant husband to pay a sum of Rs.15,000/- towards monthly maintenance to the respondent wife from the date of filing the petition.

2.Learned counsel appearing for the appellant/husband submitted that the appellant has filed the above petition in H.M.O.P. No.2183 of 2012 before the V Additional Family Court, Chennai seeking dissolution of marriage solemnised between the appellant and the respondent on 02.02.1996 under Section 13(i) (i-a) of the Hindu Marriage Act, 1955 on the ground of cruelty. During the pendency of the divorce petition, the respondent wife filed an Interim Application in I.A. No.976 of 2018 under Section 24 of the Hindu Marriage Act seeking monthly maintenance of Rs.40,000/- and Rs.30,000/- for her and her son. Learned counsel appearing for the appellant further submitted that the appellant/husband is taking care of his daughter, aged about 24 years, whereas the respondent/wife is taking care of her son,



aged about 20 years, who is pursuing his studies. However, the V Additional Family Court, Chennai, without considering the counter affidavit filed by the appellant, by partly allowing the application filed by the respondent, has directed the appellant to pay a sum of Rs.15,000/- per month to the respondent towards interim maintenance. Aggrieved by the same, the appellant has come to this Court.

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

4. It is not in dispute that the appellant is taking care of his daughter, aged about 23 years and the respondent is taking care of her son, aged about 20 years. Although the respondent wife filed an Interim Application in I.A. No.976 of 2018 under Section 24 of the Hindu Marriage Act seeking monthly maintenance of Rs.40,000/- and Rs.30,000/- for her and her son, appreciating the case of both sides, the V Additional Family Court, Chennai, has passed the fair and decretal order directing the appellant to pay only a sum of Rs.15,000/- per month to the respondent towards interim maintenance, which, in our opinion, cannot be found fault.

5. Learned counsel appearing for the respondent requested this Court to direct the appellant to pay the arrears amount of Rs.5,00,000/-, which is denied by the learned counsel appearing for the appellant by stating that the arrears is only about Rs.4,00,000/-.

6. Therefore, this Court grants 45 days' time to the appellant for clearing the entire admitted arrears amount. The V Additional Family Court, Chennai is directed to take up the H.M.O.P. No.2183 of 2012 and dispose of the same, on merits and in accordance with law expeditiously. Accordingly, the appeal stands dismissed. Consequently, C.M.P. No.20568 of 2021 stands closed. No costs.

Sd/-
Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

vga

To

1. The V Additional Judge,
Family Court,
Chennai.



2.The Section Officer,
V.R. Section,
High Court, Madras.

+1cc to Mr.P.Ezhil Nilavan, Advocate Sr.No.65966

C.M.A.No.3543 of 2021 and C.M.P.No.20568 of 2021

SV(CO)
RVM(30/12/2021)