



C.M.A.No.3408 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2021

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THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

C.M.A. No.3408 of 2021 and C.M.P. No.19669 of 2021

J.Nivethitha

... Appellant

VS

A.Kumar

... Respondent

Prayer: Appeal filed under Section 19 of the Family Courts Act against the fair and decretal order passed by the Family Court, Salem in I.A. No.4 of 2021 in F.C.O.P. No.72 of 2017 dated 06.10.2021.

For Appellant : Ms.M.Abbiraami

JUDGMENT

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

This appeal has been directed against the impugned decretal order dated 06.10.2021 passed by the Family Court, Salem in I.A. No.4 of 2021 in F.C.O.P. No.72 of 2017 directing the respondent husband to pay a sum of Rs.15,000/- per month as interim maintenance to the appellant wife from the date of filing the petition till the disposal of the above F.C.O.P.



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2.Learned counsel appearing for the appellant submitted that after the marriage was solemnised on 21.08.2015 at Kulalar Sri Natarajar Kalyana Mandapam, Kitchipalayam, Salem-15 in the presence of the well wishers, belonging to both the families, the respondent husband driven the appellant out of the matrimonial home on the mid night of 31.08.2016 at the instigation of his parents and sister, without any valid and justifiable reason. Thereafter, the respondent husband has filed the above F.C.O.P. No.72 of 2017 seeking dissolution of marriage on the ground of cruelty allegedly made by the appellant. As the appellant has to eke out her livelihood, finding no income to meet out food, cloth, medical treatment and shelter, she was advised to file the Interim Application in I.A. No.4 of 2021 in F.C.O.P. No.72 of 2017 seeking interim maintenance of Rs.1,00,000/- per month and Rs.1,00,000/- towards litigation expenses from the appellant. Learned counsel appearing for the appellant further submitted that since the respondent husband, being a Dental Surgeon in Basmath Dental Hospital, Arar, Saudi Arabia, has been earning a sum of Rs.4,00,000/- per month, the appellant has filed the above I.A. claiming reasonable compensation of Rs.1,00,000/-. When the appellant is a B.A. Graduate and living with her parents in India without any job, to meet out the monthly expenses, the above application was filed mentioning the monthly



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remuneration of the respondent. As the respondent husband is liable to pay the interim maintenance, the Family Court, without looking into the veracity of the affidavit filed by the appellant stating that the respondent has been earning a sum of Rs.4,00,000/-, has ordered only a sum of Rs.15,000/- towards monthly maintenance to be paid by the respondent. Aggrieved thereby, the present appeal has been filed.

3.When the learned counsel for the appellant pleaded before us as to the income of the respondent stating that he is earning monthly income of Rs.4,00,000/-, we posed a question as on what basis the appellant reached a conclusion that the respondent is receiving Rs.4,00,000/- as monthly remuneration. In reply, learned counsel for the appellant submitted that the appellant was informed during the time of marriage that the respondent has been earning a sum of Rs.4,00,000/- per month.

4.But, we are unable to accept the submissions made by the learned counsel appearing for the appellant. Since the appellant has not produced any valid documentary evidence to show that the respondent has been earning a sum of Rs.4,00,000/- per month either before the Family Court or before this Court, we are not



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inclined to entertain this appeal. In the absence of any documentary evidence to



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substantiate the claim of Rs.4,00,000/- per month towards remuneration, the Family Court has rightly directed the respondent to pay a sum of Rs.15,000/- towards monthly maintenance to the appellant, which cannot be found fault. Therefore, this appeal stands dismissed. Consequently, C.M.P. No.19669 of 2021 stands closed. No costs.

[T.R.,J.] [D.B.C.,J.]
07.12.2021

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To

- 1.The Family Court, Salem.
- 2.The Section Officer,
V.R. Section,
High Court, Madras.

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