

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.03.2021

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

C.M.A. No.4673 of 2019 and
C.M.P. No.26440 of 2019

R.Baskaran .. Appellant/Respondent/Petitioner

-vs-

R.Kavitha .. Respondent/Petitioner/Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act, 1984 to set aside the order dated 19.09.2019 passed in I.A. No.4218 of 2018 in O.S. No.464 of 2016 on the file of the III Additional Family Court, Chennai and allow the appeal.

For Appellant : Mr.P.Saravanan

For Respondent : Ms.Gajalakshmi Rajendran

JUDGMENT

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

The appeal has been directed against the fair and decretal order dated 19.09.2019 passed by the III Additional Family Court, Chennai in I.A. No.4218 of 2018 in O.S. No.464 of 2016 directing the appellant to pay a sum of Rs.8,000/- per month towards interim maintenance for the minor child Jayashree.

2.Learned counsel appearing for the appellant/husband submitted that when I.A. No.4218 of 2018 in O.P. No.464 of 2016 was filed by the respondent wife seeking interim maintenance of Rs.8,000/- per month for the minor child Jayashree, the appellant, although opposing the above prayer, has filed a counter affidavit stating the reason that he is working as Lead Executive in HCL Company and after deduction, he is getting only a sum of Rs.8,000/- per month, the III Additional Family Court, Chennai, without considering the plea made by the appellant, directed him to pay a sum of Rs.8,000/- per month towards interim maintenance for the minor child Jayashree. Aggrieved thereby, the present appeal has been filed. Learned counsel appearing for the appellant further submitted that without even looking into the veracity of the objections raised by the

appellant, the III Additional Family Court has committed serious error in not considering the case of the appellant. Now the appellant is making arrangements to settle the matter amicably.

3.A perusal of the salary slip produced by the learned counsel appearing for the appellant shows that the same is the payslip only for the month of April 2017 and the pay period from 01.04.2017 to 30.04.2017, which is not a statement showing his income for the latest period. When it is the stand of the learned counsel for the appellant that the appellant is making arrangements to settle the matter amicably, he has to produce the salary slip for the latest period, namely, for the year 2020 or 2021 showing his basic salary, House rent allowance, City Compensatory allowance etc. before us and before the III Additional Family Court. Concealing the salary slip for the latest period, he has come to this Court by filing this appeal. Moreover, when the respondent sought Rs.20,000/- per month towards interim maintenance for her minor child, the III Additional Family Court has directed the appellant to pay only a sum of Rs.8,000/- per month. Since it is a bounden duty of the appellant, being the father, to pay the maintenance to his daughter and the same is only an interim arrangement, which, in our considered opinion, seems to be reasonable, we are not inclined to interfere with the order passed by the III Additional Family Court, Chennai. Accordingly, the appeals fail and the same is dismissed. Consequently, C.M.P. No.26440 of 2021 stands closed. No costs.

4.It is for the appellant to work out his remedy in the manner known to law, if he is making arrangements to settle the matter.

s/d-
Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

vga

To

- 1.The III Judge,
The III Additional Family Court, Chennai.
- 2.The Section Officer,
V.R.Section, High Court, Madras.

+ 1 cc to Mr. P. Saravanan, Advocate Sr.13643

C.M.A. No.4673 of 2019 and
C.M.P. No.26440 of 2019

BA(CO)

EU 6.5.2021