



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2021

CORAM:

WEB COPY

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MRS.JUSTICE S.KANNAMMAL**

C.M.A(MD)NO.88 of 2021

Sivaraman : Appellant/Respondent/Petitioner

.vs.

Murugeswari : Respondent/Petitioner/Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 19(1) of the Family Courts Act praying this Court to set aside the fair and ex-order passed in I.A.No.665 of 2019 in O.P.No.707 of 2019, dated 4.1.2020, on the file of Family Court, Madurai.

For Appellant : Mr.K.Suresh Kumar

For Respondent : Mr.S.M.Anantha Murugan

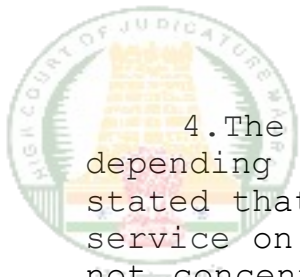
JUDGMENT

[Judgment of the Court was made by **PUSHPA SATHYANARAYANA, J.**]

The above Civil Miscellaneous Appeal is directed against the order passed by the Family Court, Madurai in I.A.No. 665 of 2019 in O.P.No.707 of 2019, dated 4.1.2020, filed by the wife against the appellant/husband, for interim maintenance. The wife, who is the respondent herein, had claimed a sum of Rs.15,000/-p.m., as interim maintenance and another sum of Rs.10,000/- towards litigation expenses, under Section 24 of the Hindu Marriage Act.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The marriage between the appellant and respondent solemnized on 09.03.2017 was not disputed. The wife has stated that the appellant/husband is employed in IT Sector and earning a sum of Rs.1,00,000/-p.m.(Rupees one lakh only), besides, he is also earning additional amounts by doing software projects and consultation work in the said field.



4.The respondent/wife is stated to be unemployed and she is depending on her parents for her livelihood. The appellant has stated that though he was employed earlier, he was relieved from his service on 22.08.2019, as he had to take leave on and off and could not concentrate in his work. The said Relieving Letter from his employer is also produced before this Court. It is further stated that he could not secure any job thereafter and he is also depending on his parents for his day-to-day expenses. The appellant further states that the wife was a Teacher and she continues in her job and is capable of earning a reasonable amount to maintain herself. The said fact is denied by the learned counsel for the respondent/wife.

5.Neither the appellant nor the respondent had produced any documents to prove their respective allegations. The Family Court, Madurai had awarded a sum of Rs.5,000/-p.m., as interim maintenance for the respondent/wife and dismissed the Petitioner regarding litigation expenses. It is not out of place to mention here that the respondent/wife had filed a petition under Section 125 of Cr.P.C., claiming maintenance against the appellant/husband before the Judicial Magistrate, Sivakasi which was also allowed on 7.12.2020, directing the husband to pay a sum of Rs.4,000/-p.m., as maintenance. The learned counsel for the appellant/husband says that he is taking steps to challenge the said order also, after obtaining a copy of the order.

6.The H.M.O.P., is filed by the husband under Section 13(1)(ia) and (ib) of the Hindu Marriage Act and it is pending from the year 2019. As both the parties state that they are jobless and do not earn any income and there is also no evidence excepting their educational qualifications, we consider it appropriate to direct the Family Court, Madurai to dispose of the O.P as expeditiously as possible. However, till such time, as the appellant/husband is duty bound to maintain his wife, we would only reduce the interim maintenance amount from Rs.5,000/- to Rs.3,000/-p.m. The said amount shall be paid by the appellant/husband from the date of the above petition till today and shall continue to pay the the same on or before 5th of every English Calendar month, in future. Further, the Family Court, Madurai is directed to dispose of O.P.No.707 of 2019 on or before 30.06.2021.

7.With the above modification and directions, the Civil Miscellaneous Appeal is disposed of. No costs.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

- 1.The Judge,
Family Court,
Madurai.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai(2 copies).

Copy to
The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.SURESH KUMAR, Advocate SR-12678[F] dated 22/03/2021

+1 CC to M/s.S.M.ANANTHA MURUGAN, Advocate (SR-13022[F] dated 23/03/2021)

JUDGMENT MADE IN
C.M.A(MD)NO.88 of 2021
22.03.2021

na (CO)
TR(26.03.2021) 3P 7C