



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2022

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

C.M.A.No.1705 of 2016
and
C.M.P.Nos.12865 of 2016 and 16227 & 16229 of 2019

N.Meganathan ...Appellant
Vs.
M.Kasthuri ...Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 19 of the Family Court Act 1984 to set aside the fair and decretal order passed on 30.05.2016 in I.A.No.1552 of 2015 in O.P.No.1076 of 2012 on the file of the III Additional Family Court, Chennai.

For Appellant : Mr.C.Sivakumar
For Respondent : Mr.R.Arunkumar

JUDGMENT

[Judgment of the Court was delivered by K.KALYANASUNDARAM,
J.]

Challenging the order passed in I.A.No.1552 of 2015 in O.P.No.1076 of 2012 dated 30.05.2016 by the III Additional Family Court, Chennai, the appellant has come up with this appeal.

2.The marriage between the appellant and the respondent was solemnized on 07.06.1991 and they were blessed with two children, namely, Naveenkumar and Bharathy. They were born on 20.09.1993 and 08.11.1994 respectively. It appears that both the appellant and the respondent filed a joint petition under Section 13-B of the Hindu Marriage Act, however, it was dismissed since the respondent withdrew her consent. Thereafter, the appellant filed HMOP No.1076 of 2012 seeking divorce under Section 13(1)(ib) of the Hindu Marriage Act. During the pendency of the original petition, the respondent filed a petition under Section 24 of the Act seeking direction to her husband to pay Rs.10,000/- as interim maintenance for



her, Rs.10,000/- for her unmarried daughter, Rs.5,000/- per month towards medical expenses and Rs.50,000/- towards litigation expenses. The learned Judge directed the appellant to pay Rs.8,000/- per month to the respondent from the date of petition and Rs.10,000/- towards litigation expenses. Challenging the same, the present appeal has been filed.

3. Heard the learned counsel appearing for the appellant Mr.C.Sivakumar and the learned counsel appearing for the respondent Mr.R.Arunkumar and perused the materials available on record.

4. In the instant case, there is no dispute that the marriage was performed between the appellant and the respondent on 07.06.1991 and they are blessed with two children. According to the respondent, her husband is working as Auditor in the office of the Deputy Director of Auditing, Defence Service and his monthly earning was Rs.1,00,000/-. In the counter, it is stated that his wife is owning immovable properties and getting rental income of Rs.1,00,000/-, but his salary is Rs.9,239/- per month.

5. The learned counsel appearing for the appellant by drawing the attention of the Court to the salary certificate enclosed at page No.38 of the booklet, would argue that when the monthly salary of the appellant is only Rs.9,239/-, he cannot be directed to be paid Rs.8,000/- per month to his wife. We are unable to accept the contention of the learned counsel appearing for the appellant. Perusal of the salary slip shows that his gross monthly income is Rs.36,143/-. Furthermore, no evidence was produced by the appellant to show that his wife is getting rental income as alleged in the counter. Hence, we find no ground to interfere with the order impugned in this appeal.

6. In fine, this Civil Miscellaneous Appeal fails and the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar



To

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

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

+1 CC to Mr.C.Sivakumar, Advocate sr 22859.

+1 CC to Mr.R.Arunkumar, Advocate sr 22590.

+1 CC to Mr.R.Arunkumar, Advocate sr 22590 (19/05/2022)

C.M.A.No.1705 of 2016

and

C.M.P.Nos.12865 of 2016 and 16227 & 16229 of 2019

JPL(CO)

SP(17/05/2022)