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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2022

CORAM:

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

C.M.A.No.257 of 2022
and
C.M.P.No.1775 of 2022

P.Lakshmanan

...Appellant/Petitioner

Vs.

Tamil Selvi

...Respondent/Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 19 of the Family Court Act 1984 to set aside the fair and decretal order dated 21.12.2021 made in I.A.No.1 of 2019 in H.M.O.P.No.786 of 2017 on the file of the Additional Principal Family Court, Coimbatore.

For Appellant : Mr.N.Selvarajan

For Respondent : Ms.J.T.Ajitha for
Mr.K.Govi Ganesan

JUDGMENT

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

Heard Mr.N.Selvarajan, learned counsel appearing for the appellant and Ms.J.T.Ajitha, learned counsel appearing for the respondent.

2.This appeal is directed against the order passed by the Additional Principal Family Court, Coimbatore in I.A.No.1 of 2019 in H.M.O.P.No.786 of 2017, dated 21.12.2021, wherein, the Family Court has ordered interim maintenance in favour of the respondent.



3.H.M.O.P.No.786 of 2017 was filed by the appellant seeking divorce. It is an admitted fact that the marriage between the appellant and the respondent was solemnized on 04.09.1989. During their lawful wedlock, they were also blessed with two children. However, in the year 2017, after 37 years of their marriage, the divorce petition was filed on the ground of cruelty and desertion. Pending the divorce petition, the respondent filed I.A.No.1 of 2019 under Section 24 of the Indian Divorce Act seeking a direction to her husband/the appellant herein to pay interim maintenance at the rate of 25,000/- per month and Rs.15,000/- towards litigation expenses.

4.Perusal of the records reveal that the appellant is owning immovable property. In the counter filed to the I.A.No.1 of 2019, he has admitted that he is getting income of Rs.18,000/- per month. Though it was alleged by the appellant that his wife receives rent from the property owned by him, it could not be established. The Family Court granted interim maintenance at the rate of 5000/- per month from the date of petition till the date of order and thereafter, at the rate of 8000/- per month from the date of order till the date of disposal of the main O.P. That apart, Rs.5000/- was awarded as litigant expenses.

5.Considering the facts and circumstances of the case, we find no reason to interfere with the order impugned in this appeal. Hence, the appeal fails and the same is dismissed. Taking note of the fact that the main O.P, is pending from 2017, the learned Additional Principal Family Court, Coimbatore, is directed to dispose of the main O.P as expeditiously as possible preferably within a period of six months. The parties are directed to co-operate for disposal of the case. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar



To

1. The Additional Principal Family Judge
The Additional Principal Family Court,
Coimbatore.

Copy to
The Section Officer,
V.R. Section,
Madras High Court,
Chennai.

+1 CC to Mr. B. R. Shankaralingam, advocate sr 13688
+1 CC to Mr. K. Govi Ganesan, Advocate sr 13578

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GSM(CO)
SP(19/04/2022)