



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.03.2022

CORAM:

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

C.M.A.No.732 of 2022

B.Saikumar ... Appellant/ Respondent

Vs.

Subbulakshmi ... Respondent/ Petitioner

PRAYER: Civil Miscellaneous Appeal is filed under Section 19 of the Family Court Act 1984 to set aside the fair and decretal order passed by the II Additional Judge, Family Court, Chennai dated 22.11.2021 in I.A.No.1 of 2021 in O.P.No.4762 of 2019.

For Appellant: Mrs.R.Sumithra Chakkaravarthi

JUDGMENT

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

Challenging the order passed by the II Additional Judge, Family Court, Chennai, in I.A.No.1 of 2021 in O.P.No.4762 of 2019 dated 22.11.2021, the present appeal has been filed.

2. The appellant/husband filed the main Original Petition seeking divorce on the ground of cruelty. Pending the Original Petition, the respondent/wife filed an application seeking interim maintenance at Rs.30,000/- per month and Rs.15,000/- towards litigation expenses. The learned Judge directed the appellant to pay a sum of Rs.10,000/- per month as interim maintenance and Rs.25,000/- towards litigation expenses. Challenging the same, the present appeal has been filed.

3. Mrs.R.Sumithra Chakkaravarthi, learned counsel appearing for the appellant would submit that the marriage between the appellant and the respondent was solemnized on 22.01.1999. Out of lawful wedlock, they are blessed with two female children. She would further submit that though the



appellant filed the divorce petition on the ground of cruelty, he is taking care of his two children and spending considerable money for their educational and other expenses. Hence, the respondent is not entitled for maintenance.

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4.This Court carefully considered the submission of the learned counsel appearing for the appellant and perused the materials available on record.

5.In the instant case, admittedly, the marriage between the appellant and the respondent was performed at Sri Mahalakshmi Kalyana Mandapam, Ambattur, Chennai on 22.01.1999 and they have begotten two female children. They are said to have born on 25.08.2001 and 29.10.2006. It is also not in dispute that both the children are under the care and custody of the appellant/husband. It is the case of the respondent that her husband earns Rs.1,15,000/- per month. Taking note of these facts, the learned Judge directed the appellant to pay a sum of Rs.10,000/- per month as interim maintenance and Rs.25,000/- towards litigation expenses.

6. We find no reason to interfere with the order impugned in this appeal. Hence, the appeal fails and the same is dismissed. Considering the fact that the divorce petition is pending from 2019, the Family Court, Chennai is directed to dispose of the main O.P, on merits and in accordance with law, as expeditiously as possible preferably within a period of six months from the date of receipt of a copy of this Judgment. The parties are directed to co-operate for disposal of the case. If the respondent adopts dilatory tactics to prolong the litigation, the order granting interim maintenance shall be set aside by the Family Court.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

skn
To

1.The II Additional Principal Judge,
II Additional Family Court, Chennai.

+1 cc to Mrs.R.Sumithra Chakkaravarthi, Advocate Sr.NO. 21108

C.M.A.No.732 of 2022

kv (CO)
A.SK (05/05/2022)