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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2022

CORAM:

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

C.M.A.NO.543 OF 2022
AND
C.M.P.NO.3833 OF 2022

M.Raja @ K.Ramalingam ... Appellant

.Vs.

R.Roja ... Respondent

PRAYER:-

Civil Miscellaneous Appeal is filed under Section 19 of the Family Court Act 1984 to set aside the petition and order dated 30.10.2021 passed in I.A.No.2 of 2021 in H.M.O.P.No.644 of 2017 on the file of Additional Family Court Judge at Coimbatore.

For Appellant : Mr.K.Myilsamy

JUDGMENT

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

We have heard Mr.K.Myilsamy, learned counsel appearing for the appellant and perused the materials available on record.

2. This appeal is directed against the order passed by the Additional Family Court, Coimbatore in I.A.No.2 of 2021 in H.M.O.P.No.644 of 2017 dated 30.10.2021, wherein, the Family Court has ordered interim maintenance in favour of the respondent.

3. The respondent, who is the wife of the petitioner, filed H.M.O.P.No.644 of 2017 for restitution of conjugal rights. Pending Original Petition, she filed I.A.No.2 of 2021 under



Section 24 of the Hindu Marriage Act seeking interim maintenance at the rate of Rs.35,000/- per month and another Rs.35,000/- towards educational expenses of her child.

4. There is no dispute that the marriage between the appellant and the respondent was solemnized on 23.05.2013 at Arulmighu Sarathambal Temple, Race Course, Coimbatore and they are blessed with a child. According to the respondent, she is unemployed and his husband is a Software Engineer and earning Rs.1,50,000/- per month. The appellant contested the petition stating that his wife is working in a private company and her family is well off, hence, she is not entitled for maintenance. The Family Court directed the appellant to pay interim maintenance at the rate of Rs.20,000/- per month and also Rs.20,000/- per year as educational expenses of their daughter. Assailing the order, the present appeal has been filed.

5. The learned counsel appearing for the appellant vehemently contended that the respondent failed to prove the income of the appellant and she is also gainful employee.

6. Perusal of the records reveal that to support the case of the appellant, he failed to produce any material to show that the respondent is working in a private company. It is further seen that neither in the counter nor in the affidavit filed in support of the stay petition, he has not revealed his annual income.

7. 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. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

skn

To

1. The Additional Principal Family Court,
Coimbatore.



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

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+1cc to Mr.K.Myilsamy, Advocate, S.R.No.17311

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PMK (CO)
PBS/20/04/2022