



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2022

CORAM:

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

C.M.A.No.1737 of 2018
and
C.M.P.No.13409 of 2018 & 23069 of 2019

M.S.Rajiv

... Appellant

Vs.

1.Minor Arvind
2.Minor Ananya
Rep. by her Mother
and Natural Guardian
Mrs.Ammalu @ Varsha

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 19 of the Family Court Act 1984 against the order dated 30.05.2018 made in I.A.No.33 of 2016 in O.P.No.2413 of 2015 on the file of the III Additional Principal Judge, FAC to II Additional Family Court, Chennai.

For Appellant : Mr.R.Bharathkumar

For Respondents : Mrs.Jayanthi Venkatesh

JUDGMENT

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

This appeal is directed against the order dated 30.05.2018, passed by II Additional Family Court, Chennai in I.A.No.33 of 2016 in O.P.No.2413 of 2015 wherein, the Family Court has ordered interim maintenance in favour of the respondents.

2. O.P.No.2413 of 2015 was filed by the appellant's wife Ammalu @ Varsha under Section 13(1)(ia) of the Hindu Marriage Act seeking divorce on the ground of cruelty. Pending Original Petition, their children filed interim application praying for



Rs.25,000/- per month as interim maintenance. The Family Court has ordered Rs.15,000/- each. Challenging the same, the present appeal has been filed.

3. We have heard Mr. R. Bharathkumar, learned counsel appearing for the appellant and Mrs. Jayanthi Venkatesh, learned counsel appearing for the respondents and perused the materials available on record.

4. It appears that the first respondent/first petitioner, namely, Arvind has attained majority pending this appeal. It is not in dispute that while admitting this appeal, this Court directed the appellant to pay interim maintenance at Rs.7,500/- each and the said amount has been paid by the appellant regularly and there is no arrears as on date. It is also stated that without any further order, the appellant is paying Rs.10,000/- per month to his daughter Ananya, the second respondent herein. It was the case of the respondents before the Family Court that their father was working at Genlite Engineering Limited, Irungattukottai as a Factory Manager and earning Rs.80,000/- per month.

5. The learned counsel appearing for the appellant, by drawing the attention of this Court to the typed set of papers, would state that the appellant was relieved from the service in the year 2015. Subsequently, he joined another company, by name, Metal Forms Private Limited, from where, he was relieved on 30.12.2017 and as on date, he is jobless.

6. The statement of the learned counsel appearing for the appellant with regard to payment of interim maintenance is not seriously disputed by the learned counsel appearing for the respondents. Considering the fact that the first respondent has attained majority and the appellant has paid the interim maintenance at Rs.7,500/- per month till he attained majority, the order passed in favour of the first respondent is set aside. Further, taking note of the fact that the second respondent is pursuing her +2 course, the appellant is hereby directed to pay interim maintenance at Rs.12,500/- per month. The said amount shall be paid by appellant regularly to the second respondent on or before 5th of the every English Calendar Month from May onwards.

7. It is to be noted that the original petition is pending since 2015, therefore, the II Additional Family Court, Chennai, is directed to dispose of the main O.P on merits and in accordance with law, without being influenced by the



observations made in the order impugned in this appeal, within a period of six months from the date of receipt of a copy of this Judgment.

8. With the above observations and direction, this Civil Miscellaneous Appeal is partly allowed. No costs. Consequently, connected miscellaneous petitions are closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

skn
To

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

Copy to

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

+1cc to Mr.R.Bharathkumar, Advocate Sr.18232
+1cc to M/s.C.Prasanna Venkatesh, Advocate Sr.18503

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