



C.M.A.(MD)No.774 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2022

CORAM :

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**
and
THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

C.M.A.(MD)No.774 of 2022
and
C.M.P(MD)No.6936 of 2022

V.Arumugam : Appellant

vs.

1.Indumathi

2.Minor Dhanya Sri : Respondents
(The minor/2nd respondent represented
by her Mother and guardian the 1st
respondent herein)

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act 1988, praying to set aside the fair and decreetal order dated 28.10.2021 passed in M.C.No.49 of 2021 by the Family Court, Sivagangai.

For Appellant : Mr.K.Kumaravel

For Respondents : Mr.P.Ganapathi Subramanian

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J U D G M E N T

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(Judgment of the Court was delivered by **S.S.SUNDAR,J.**)

The Civil Miscellaneous Appeal is directed against the fair and decreetal order dated 28.10.2021, passed by the Family Court, Sivagangai, in the application filed by the first respondent/wife and the minor daughter for maintenance in M.C.No.49 of 2019.

2. Heard Mr.K.Kumaravel, learned counsel for the appellant and Mr.P.Ganapathi Subramanian, learned counsel for the respondents. By consent of both sides, this Civil Miscellaneous Appeal itself is taken up for disposal at the stage of admission.

3. The petitioner is the husband. It appears that the parties are living separately on account of matrimonial dispute between the parties. Hence, the first respondent/wife filed M.C.No.49 of 2019 before the Family Court, Sivagangai, under Section 125 Cr.P.C. for maintenance at the rate of Rs.35,000/- for herself and her minor daughter/2nd respondent. As against the claim towards maintenance, education and medical expenses, the first respondent claimed a sum of Rs.15,000/- for herself and a sum of Rs.20,000/- for her daughter.



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However, learned Judge, Family Court granted a sum of Rs.5,100/- towards maintenance of first respondent and a sum of Rs.3,050/- towards maintenance of her minor daughter from the date of petition. As against the award of a sum of Rs.8,150/- per month granted by way of maintenance, the above appeal is preferred by the husband.

4. The only contention that was urged before the lower Court was that the petitioner was forced to pay maintenance pursuant to the directions of this Court in Crl.O.P.(MD) No.12498 of 2019. The said contention was accepted by the lower Court and the petitioner was directed to pay a sum of Rs.8,150/- after detecting whatever amount he is supposed to pay as per the order of this Court. Hence, this Court finds no error in the order of the lower Court warranting interference by this Court.

5. In view of the above, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

6. Learned counsel for the appellant submitted that the appellant /husband is negotiating with the wife and the parties have



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agreed for an amicable settlement by making a lumpsum payment to the first respondent and her minor daughter. This order does not stand in the way of the parties agreeing for any settlement.

[S.S.S.R., J.] [S.S.Y., J.]
10.08.2022

Index : Yes/No

sj

To

The Judge,
Family Court,
Sivagangai.



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S.S.SUNDAR, J.
and
S.SRIMATHY, J.

sj

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