



C.M.A.No.422 of 2023

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MRS.K.GOVINDARAJAN THILAKAVADI

C.M.A.No.422 of 2023

and

C.M.P.No.3607 of 2023

V.Arunkumar

...Appellant

Vs.

K.Renuga

...Respondent

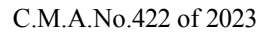
Prayer: Civil Miscellaneous Appeal filed under Section 19(1) of the Family Courts Act, against the fair and final order dated 24.11.2022 in I.A.No.3 of 2022 in F.C.O.P.No.43 of 2022 passed by the Family Court, Erode.

For Appellant : Mr.M.Mariappan

J U D G M E N T

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

The husband is on appeal against the order directing payment of interim maintenance at Rs.7,000/- per head for the wife and two children.



Pending the same, the wife sought for maintenance for herself and her two children at Rs.20,000/- per head and Rs.50,000/- for litigation expenses.

3.The husband resisted the same contending that he is employed as an Assistant Post Master and his take home pay is Rs.42,214/-, out of that, he had to pay a sum of Rs.19,000/- towards EMI for the housing loan obtained by him. He would also claim that he had borrowed monies from individuals and he has been paying interest on that also.

4.The Family Court, upon consideration of the material placed before it, directed payment of a sum of Rs.7,000/- per month as interim maintenance to the wife and two children. Aggrieved, the husband is on appeal.

5.The learned counsel appearing for the appellant would contend



C.M.A.No.422 of 2023

that if the EMI and the interest paid on the loans by the husband is calculated, his take home pay will be less than Rs.10,000/- per month and payment of Rs.7,000/- is not possible. We do not think the said contention could be accepted. If the husband is borrowed for construction of a house or other needs, the same cannot affect the maintenance that is to be awarded to the wife and the children. The Family Court has awarded only a sum of Rs.7,000/-, which in our opinion is meagre, if compared with todays cost of living. Hence, we see no reason to entertain the appeal. This Civil Miscellaneous Appeal therefore, fails and it is accordingly, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M.,J.) (K.G.T.,J.)
22.02.2023

kkn

Internet:Yes/No

Index:Yes/No

Speaking/Non-speaking order

Nuetral Citation : Yes/No



WEB COPY



C.M.A.No.422 of 2023

R.SUBRAMANIAN, J.
and
K.GOVINDARAJAN THILAKAVADI, J.

KKN

To:-

The Family Court,
Erode.

C.M.A.No.422 of 2023
and
C.M.P.No.3607 of 2023

22.02.2023