



WEB COPY



CMA.No.2521 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2023

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

and

THE HON'BLE TMT. JUSTICE K.GOVINDARAJAN THILAKAVADI

CMA.No.2521 of 2015

and M.P.No.1 of 2015

P.Boopathy

..

Appellant

vs.

1.Manimekalai

2.Minor Reena Gayathiri

..

Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act, 1984 against the fair and final order dated 17.08.2015 made in I.A.No.78 of 2015 in FCOP.No.257 of 2012 on the file of the Family Court, Salem.

For Appellant

: No Appearance

For Respondents

: Not Ready Notice for R1

R2- Minor.

JUDGMENT

(Judgment of the Court was made by D.Krishnakumar, J.)

The first respondent/wife has filed an application in I.A.No.78 of 2015 in FCOP.No.257 of 2012 on the file of the Family Court at Salem, praying for



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payment of Rs.5,000/- per month each to herself and her minor daughter as interim maintenance from the date of the petition till the disposal of the main petition and also to pay a sum of Rs.15,000/- towards litigation expenses. The said application was considered by the Court below and based on the contention of the parties, the Family Court, Salem, vide order dated 17.08.2015, has directed the appellant/husband to pay a sum of Rs.1,500/- per month to the first respondent/wife and a sum of Rs.1,000/- per month to the second respondent/daughter, as interim maintenance from the date of the order till the disposal of the main FCOP and also directed the appellant/husband to pay a sum of Rs.200/- per month each to the petitioners as past maintenance from the date of the petition till the date of the order along with a sum of Rs.3,000/- towards litigation expenses to the respondents. The said order is challenged by the appellant/husband in the present civil miscellaneous appeal.

2. There is no representation for the appellant. Notice to the first respondent also remain unserved.



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3. The appellant/husband has raised a ground that the first respondent/wife voluntarily deserted the appellant and she is living an adulterous life with one Maleswara Sasthirigal and being a voluntarily deserted wife, the first respondent is not entitled to get any interim maintenance and therefore, prayed for dismissal of the order passed by the Court below.

4. Considering the fact that the Court below has directed only interim maintenance of Rs.1,500/- per month and Rs.1,000/- per month to the respondents 1 and 2 respectively, we are of the view that the order of the Court below is perfectly correct and we find no reason to interfere with the order of the Court below.

5. Accordingly, the Civil Miscellaneous Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

[D.K.K., J.,] [K.G.T., J.]
11.04.2023

Index : Yes / No
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D.KRISHNAKUMAR, J.,
AND
K.GOVINDARAJAN THILAKAVADI, J.

Jvm

To
The Family Court,
Salem.

CMA.No.2521 of 2015

11.04.2023