



C.M.A.No.1338 of 2023

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2023

CORAM:

THE HONOURABLE MR JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MRS JUSTICE R.KALAIMATHI

C.M.A.No.1338 of 2023
and
C.M.P.No.13379 of 2023

M.Devaraj

...Appellant

Vs.

N.Kiruthika

...Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act, 1984 against the judgment and decree dated 13.09.2022 made in I.A.No.698 of 2017 in H.M.O.P.No.1513 of 2017 on the file of the Family Court, Coimbatore.

For Appellant : Mr.C.Gunasekaran

J U D G M E N T

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

The order under challenge is an order granting interim maintenance at Rs.5,000/- per month for the wife and the minor child.



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2.The learned counsel for the husband / appellant would contend that the husband is unemployed and therefore, he is unable to maintain his wife. Mere unemployment is not a ground for refusal to maintain. The husband is bound to maintain his wife and child. On the quantum also, we find that what has been granted is very much on the lower side. We therefore, do not think, we should interfere with the order of the Trial Court. Hence, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

3.The learned counsel for the appellant would plead that the matter be referred to mediation. We direct the Family Court, Coimbatore before which, O.P.No.1513 of 2017 is pending to refer the parties to mediation before the District Mediation Centre with strict timelines.

(R.S.M.,J.) (R.K.M.,J.)
04.07.2023

kkn
Internet:Yes/No
Index:Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No



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To:-

WEB COM The Family Court,
Coimbatore.



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R.SUBRAMANIAN, J.
and
R.KALAIMATHI, J.

KKN

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