



C.M.A.No.1349 of 2023

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2023

CORAM:

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

C.M.A.No.1349 of 2023
and
C.M.P.No.13538 of 2023

Imrankhan

...Appellant

Vs.

1.Majitha Nasrin

2.Rayeesa Thansim (Minor)
Rep. By her Mother Natural Guardian,
Majitha Nasrin

...Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act, 1984, against the fair and decreetal order dated 04.02.2022 made in I.A.No.1 of 2020 in O.S.No.261 of 2019 passed by the IV-Additional Principal Judge, Family Court, Chennai.

For Appellant : Mr.A.K.M.Samsu Nihar



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J U D G M E N T

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

The appellant challenges the order granting interim maintenance at

Rs.10,000/- each for his wife and minor child.

2.The respondent / wife has laid a suit in O.S.No.261 of 2019 seeking restitution of conjugal rights. Pending the said suit, the wife and the minor daughter filed I.A.No.1 of 2020, seeking interim maintenance of Rs.30,000/- per month. The appellant remained exparte before the Trial Court. The learned Trial Judge, considering the averments in the application, granted Rs.10,000/- each as interim maintenance.

3.The learned counsel for the appellant would contend that the appellant is running a refrigeration service centre in the name and style of Rim Refrigeration at Karapakkam, Chennai and his income is only about Rs.20,000/- per month and therefore, the award of Rs.20,000/- per month as interim maintenance is exorbitant. He would also rely upon the income tax returns filed by him for the assessment years 2019-2020.



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4.A perusal of the said income tax returns shows that the appellant's annual income is about Rs.3,67,170/-, which is almost Rs.30,000/- per month. In the light of the above, we do not think that grant of Rs.10,000/- each for the wife and minor child as interim maintenance could be faulted. This Civil Miscellaneous Appeal therefore, fails and it is accordingly, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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

11.07.2023

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Internet:Yes/No

Index:Yes/No

Speaking/Non-speaking order

Nuetral Citation : Yes/No



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

KKN

To:-

The IV-Additional Family Court,
Chennai.

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