



C.M.A.No.1696 of 2023

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2023

CORAM:

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

C.M.A.No.1696 of 2023
and
C.M.P.No.16642 of 2023

R.Balasubramaniam

...Appellant

Vs.

K.Kanagamani

...Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 19(1) of the Family Courts Act, 1984, against the fair and decreetal order dated 11.03.2022 passed in I.A.No.1 of 2019 in H.M.O.P.No.1118 of 2018 on the file of the Additional Principal Family Judge, Coimbatore.

For Appellant : Mr.M.Marudhachalam



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J U D G M E N T

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

The order challenged in the appeal is the order of maintenance of Rs.7,500/- to the wife under Section 24 of the Hindu Marriage Act.

2. Pending HMOP for declaration that the marriage is null and void as it is in controvention of the provision of Section 5(1) of the Hindu Marriage Act, the wife sought for a sum of Rs.15,000/- as maintenance. This was resisted by the husband contending that the wife has suppressed the first marriage and therefore she is not entitled to maintenance.

3. The Family Court took into account the circumstances and found that the husband is working as driver in the Tamil Nadu State Transport Corporation and earning Rs.40,000/- per month. He has also taken loans for purchase of TV and personal loans. The learned Family Judge found that a sum of Rs.7,500/- would be proper maintenance for the wife.



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4. Mr.M.Marudhachalam, learned counsel appearing for the appellant would vehemently contend that the Family Court has overlooked the salary certificate which shows that the take home pay of the appellant is only Rs.9,230/-.

5. The take home pay cannot be a sole criteria for determining the quantum of maintenance. The husband has borrowed for purchase of TV etc., and taken care to keep the take home pay at the lowest. Considering today's cost of living, we do not think that the monthly maintenance of Rs.7,500/- is exorbitant or unjust.

6. Hence, this Civil Miscellaneous Appeal is **dismissed** as devoid of merits. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M.,J.) (R.K.M.,J.)
02.08.2023

dsa
Index :No
Internet :Yes
Neutral Citation :No
Speaking order



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

dsa

To

The Additional Principal Family Judge,
Coimbatore.

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