



*C.M.A.No.1573 of 2023
and CMP.No.15819 of 2023*

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2023

CORAM

THE HONOURABLE Mr.JUSTICE **R.SUBRAMANIAN**
and
THE HONOURABLE Mrs.JUSTICE **R.KALAIMATHI**

C.M.A.No.1573 of 2023
and CMP.No.15819 of 2023

M.Vijayakumar

... Appellant

Vs.

S.Madheshwari

... Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 19(1) of the Family Court Act, 1984, praying to set aside the fair and decreetal Order dated 19.10.2022 passed in I.A.No.1 of 2022 in HMOP.No.284 of 2020 on the file of the Additional Principal Family Judge, Coimbatore.

For Appellant : Mr.M.Marudhachalam

For Respondent : Mr.J.Franklin



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JUDGMENT

[Judgment of the Court was delivered by **R.SUBRAMANIAN, J**]

Challenge in this appeal is to the order of the Family Court, Coimbatore granting a sum of Rs.9,000/- as interim maintenance to the wife.

2. HMOP.No.284 of 2020 was filed by the husband seeking divorce under Section 13(1) (ia) and (ib) of The Hindu Marriage Act. Pending the said petition, the wife sought for interim maintenance. Taking into account the income of the husband, who is admittedly working as a police constable, the Family Court, Coimbatore fixed the interim maintenance payable at Rs.9,000/- per month.

3. The learned counsel for the appellant would submit that the wife is living with his parents in the matrimonial house and therefore, she is not entitled to maintenance.



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WEB COPY 4. It is true that the wife has in her affidavit admitted that she is living with her in-laws in the matrimonial house. She has also added that they are maintaining her with great difficulty. We are therefore, unable to fault the Family Court, Coimbatore for having granted interim maintenance.

5. Considering the employment of the husband and his salary, we are unable to interfere with the quantum of maintenance fixed by the Family Court. This Appeal therefore fails and accordingly dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is also closed.

**(R.S.M.J.) (R.K.M.J.)
25.07.2023**

Index : No

Internet : Yes

Speaking order: Yes

Neutral Citation Case :No

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To

1. The Additional Principal Family Court,
Coimbatore.
2. The Section Officer,
VR Section High Court, Madras.



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