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C.M.A.No.787 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2023

CORAM

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR  
AND  
THE HONOURABLE MRS. JUSTICE K. GOVINDARAJAN THILAKAVADI

**C.M.A.No.787 of 2023**

V. R. Ilayaraja

... Appellant

versus

Arulmathi

... Respondent

**PRAYER:** Civil Miscellaneous Appeal filed against the order and decreetal order dated 10.02.2023 on the file of the Family Court, Thiruvallur

For the Appellant : Mr. T. Shanmugam

### **JUDGMENT**

(Judgment of the Court was delivered by *D.KRISHNAKUMAR, J.*)

The appellant has preferred the appeal as against the order passed in I.A.No. 3 of 2022 in H.M.O.P. No. 242 of 2021, directing the appellant to pay a sum of Rs. 5,000/- per month to the respondent herein as interim maintenance.

2. According to the appellant, he is a daily wage labourer and with his income, he has to take care of his mother and younger brother, as his father had died. The appellant's mother is a diabetic patient.



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Therefore, he has to meet her medical expenses, due to which, he is spending a major portion of his income towards her medical expenses.

3. The appellant has further stated that the Court below has failed to consider the contention of the appellant that the respondent herein is working in a private sector and earning a sum of Rs. 20,000/- per month, and is getting sufficient income. Therefore, the Court below has presumed that the respondent is not having sufficient income to maintain herself. In view of this, the Court below has awarded a sum of Rs. 5,000/- per month as interim maintenance to the respondent herein. Aggrieved by the said order passed by the lower Court, the appellant has preferred the above appeal.

4. On perusal of the order, it is found that the appellant has not placed any material on record to prove his allegation that the respondent is employed and earning sufficient income. Therefore, we are view that there is no valid ground raised in the appeal warranting interference, with the order passed by the Court below. Therefore, we are not inclined to entertain the appeal. Consequently, the civil miscellaneous appeal stands dismissed. C.M.P.No. 7262 of 2023 is closed. No costs.

**(D.K.K., J.) (K.G.T., J.)**  
**30.03.2023**

Index : Yes / No  
Neutral Citation : Yes/No  
mrn

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To  
The Judge, Principal Family Court,  
Thiruvallur



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**D.KRISHNAKUMAR, J.**  
**and**  
**K.GOVINDARAJAN THILAKAVADI, J.**

(mrn)

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