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C.M.A.No.1247 of 2



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.M.A.No.1247 of 2023
and
C.M.P.No.12190 of 2023

P.Santhosh

...Appellant

Vs.

S.Mega

...Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act, 1984, r/w. Section 28 of the Hindu Marriage Act, 1955, against the order passed by the learned Family Court at Thiruvallur in I.A.No.4 of 2023 in HMOP.No.285 of 2022 dated 07.03.2023.

For Appellant : Mr.M.Rajasekar

For Respondent : No appearance

J U D G M E N T

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

This Civil Miscellaneous Appeal is directed against an order granting a sum of Rs.7,500/- as interim maintenance for the wife. The Original Petition was filed for divorce by the wife seeking judicial separation



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under Section 10 of the Hindu Marriage Act. Pending the same, the wife filed an application in I.A.No.4 of 2023 seeking interim maintenance.

2.The said application was resisted by the husband contending that she is an Engineering graduate and capable of maintaining herself. The learned Family Judge found that the wife being an unemployed is entitled to maintenance. The Family Court therefore, fixed the quantum of maintenance at Rs.7,500/- per month, since the husband has a carry home salary of Rs.35,052/- per month. Aggrieved by the said grant, the husband is on appeal.

3.We have heard Mr.M.Rajasekar, learned counsel for the appellant.

4.While reiterating the submissions made before the Family Court regarding the ability of the wife to get an employment and sustain herself out of the earnings, the learned counsel would also submit that the wife has not filed an affidavit of assets. The non-filing of affidavit of assets cannot be a ground to reject maintenance. We do not see any reason to interfere with the



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order of the Trial Court. This Civil Miscellaneous Appeal therefore, fails and it is accordingly, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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(R.S.M., J.) (N.S., J.)
27.11.2023

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R.SUBRAMANIAN, J.
and
N.SENTHILKUMAR, J.

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To:-

The Family Court,
Tiruvallur.

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