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CMA No.1095 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **07.07.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**
and
THE HONOURABLE MRS.JUSTICE **R.KALAIMATHI**

CIVIL MISCELLANEOUS APPEAL No.1095 of 2017
and CMP No.5504 of 2017

1. Mrs.V.Amudham

2. S.Sathana

(Rep. by the mother guardian V.Amudham)

... Petitioners/Respondents/Petitioners

-VS-

V.Sivgnanam

... Respondent/ Petitioner/Respondent

Civil Miscellaneous Appeal filed under Section 19 of the Family Court Act, prayed to set aside the order dated 15.05.2014 in I.A.No.1539 of 2010 in H.M.O.P. No.543 of 2010 by the learned Family Judge, Coimbatore.

For Petitioners : Mr.G.Ajay Raj
for M/s.B.Nedunchezhiyan

For Respondent : No appearance



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JUDGMENT

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

The Appeal is by the wife and the minor daughter challenging the order dismissing the IA No.1539 of 2010, an application for interim maintenance.

2. The husband had sued for divorce on the ground that the wife has treated him with cruelty in OP No.543 of 2010. The wife was resisting the same.

3. Pending the said original Petition, the wife sought for maintenance at the rate of Rs.3,000/- per month each to the petitioners, total sum of Rs.6,000/- towards interim maintenance, Rs.5,000/- towards litigation expenses, Rs.5,000/- towards medical expenses and Rs.10,000/- towards educational expenses of the minor. The learned Family Judge rejected the petition on the finding that the wife is earning and her salary is equal to that of the husband and therefore, she is not entitled to maintenance. The learned Family Judge also found that the wife is capable of maintaining herself and the minor daughter. The learned Family Judge also gave a liberty to the wife file an Application under



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Section 26 of the Hindu Marriage Act for the minor daughter.

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4. We have heard the learned counsel appearing for the petitioners.

5. Though the learned counsel appearing for the petitioners would vehemently contend that the learned Family Judge ought to have awarded some maintenance at least to a minor daughter, we do not deem it proper to interfere at this distant point of time, since we are informed that the OP itself has been disposed of.

6. Hence the Appeal is dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(R.SUBRAMANIAN, J.) (R.KALAIMATHI, J.)
07.07.2023

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

To
1. The Judge,
Family Court,
Coimbatore.



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

jv

2. The Section Officer,
V.R. Section,
Madras High Court, Chennai 104.

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