



C.M.A.No.2147 of 2023

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2023

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MRS. JUSTICE R.KALAIMATHI

C.M.A.No.2147 of 2023

and

C.M.P.No.20764 of 2023

Dinesh Kumar

...Appellant

Vs.

Amrita Varshini

...Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act, 1984, against the fair and decreetal order dated 04.07.2023 made by the learned Judge, Family Court, Villupuram in I.A.No.638 of 2022 in H.M.O.P.No.34 of 2022.

For Appellant : Mr.Arun Sabari



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J U D G M E N T

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

Challenge in this appeal is to the interim maintenance granted at Rs.25,000/- per month.

2. The appellant/ husband had sought for divorce under Section 13(1)(i-a) and (i-b) of the Hindu Marriage Act in HMOP.No.34 of 2022. Pending the said Original Petition, the wife filed the application for interim maintenance under Section 24 of the Hindu Marriage Act seeking a sum of Rs.75,000/- towards monthly maintenance and Rs.2,00,000/- for litigation expenses. The wife contended that the husband was gainfully employed in Canada and has various business activities along with his father. It is also contended that he has got valuable assets and Fixed Deposits in Banks and Financial Institutions.

3. The claim was resisted by the husband contending that he has quit his job in order to prepare for TNPSC examinations. It was also claimed that the wife's father owns considerable land in Tamil Nadu and



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therefore she can maintain herself. The fact that he was employed in Canada was admitted and it was claimed that he had come back because of the wife's insistence.

4. It will not be out of place to point out that there is a child also born to the appellant and the respondent. The learned Family Judge upon evaluation of the evidence on record found that the husband was working in South India Drugs Export Laboratory Private Limited at Chennai from November 2016 to August 2020 and has been working as Quality Analyst at Gardein Delta, British Columbia since 03.02.2022. The husband's claim that he has resigned the job and preparing for TNPSC examinations was also taken note of by the learned Family Judge. Upon consideration of the entire evidence, the learned Family Judge fixed a sum of Rs.25,000/- per month as interim maintenance. Aggrieved, the husband is before us by way of this appeal.

5. We have heard Mr.Arun Sabari, learned counsel appearing for the appellant.



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6. Mr.Arun Sabari, learned counsel appearing for the appellant would vehemently contend that since the appellant has no job as of today the maintenance granted at Rs.25,000/- is highly excessive. According to him, the wife has got several properties and her father is a very rich person. He would therefore contend that the quantum of maintenance should be reduced.

7. We are unable to accept the argument of the learned counsel for the appellant. If the appellant could resign his job and prepare for Group I and Group II examinations of TNPSC, it shows that he is very well of and does not need salary. His father is a Doctor. He has got valuable immovable properties at Villupuram. The arguments of the learned counsel that since the husband has resigned his job the maintenance should be reduced cannot be accepted, because the resignation was not for necessity, it was for the luxury of preparing for TNPSC Examinations. Hence, we do not find any reason to interfere with the order of the learned Family Judge in granting



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Rs.25,000/- as monthly maintenance.

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8. The appeal therefore fails and it is accordingly **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

(R.S.M.,J.) (R.K.M.,J.)
11.09.2023

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

To

The Judge, Family Court, Villupuram.



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

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