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C.M.A.No.2935 of 2022

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

**C.M.A.No.2935 of 2022**

**and**

**C.M.P.No.22678 of 2022**

N.Saravana Kumar

...Appellant

Vs.

Nirmala Devi

...Respondent

**Prayer:** Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act, 1984 against the fair and final order dated 21.05.2022 passed by the learned Additional Principal Family Court, Coimbatore in I.A.No.1 of 2020 in H.M.O.P.No.1580 of 2019 and prays to set aside the same.

For Appellant : Mr.L.Mouli

**J U D G M E N T**

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

The appeal is against the order granting interim maintenance at Rs.25,000/- per month pending disposal of H.M.O.P.No.1580 of 2019.



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2. The learned Family Judge had fixed the maintenance at Rs.25,000/- per month, considering the fact that the appellant himself has admitted in the affidavit of assets that he is earning Rs.1,00,000/- per month as salary.

3. Mr.L.Mouli, learned counsel appearing for the appellant would contend that the respondent wife is residing in the house of the appellant in the first floor and he has been purchasing groceries and other items for her once in 15 days. He is also paying the school fees of the children.

4. However, we find that the respondent wife and the appellant husband have not chosen to let in any evidence with regard to the averments made by them in the affidavit as well as in the counter affidavit. Considering the income of the appellant, we do not think that the direction to pay Rs.25,000/- as monthly maintenance is on the higher side. We find that the Family Court taken into account the fact that the appellant husband is also spending for the education expenses of the children and maintaining the children. The wife is entitled to equal style of living as that of her husband.



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Since the husband is working as a Senior Manager in the English Indian Clay Factory, Thiruvananthapuram drawing a monthly salary of Rs.1,00,000/-, the direction to pay Rs.25,000/- as monthly maintenance cannot be faulted.

5. Therefore, the civil miscellaneous appeal fails and it is accordingly **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

(R.S.M.,J.) (S.S.K.,J.)  
05.01.2023

dsa

Index :No  
Internet :Yes  
Speaking order

To:-

The Additional Principal Family Judge,  
Coimbatore.

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**R.SUBRAMANIAN, J.**  
**and**  
**SATHI KUMAR SUKUMARA KURUP, J.**

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