



WEB COPY



C.M.A.No.2590 of 2022

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A.No.2590 of 2022

and

C.M.P.No.20149 of 2022

E.S.Praveen Kumear

...Appellant

Vs.

N.P.Narmada

...Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 19 of Family Courts Act of 1984 to set aside the impugned order dated 02.07.2022 passed in I.A.No.1 of 2019 in O.P.No.3906 of 2019 on the file of the learned III Additional Principal Family Court at Chennai.

For Appellant : Mr.B.Karthikeyan

For Respondent : Mr.T.Dhanasekaran

J U D G M E N T

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

The appellant is aggrieved by the order of the Family Court granting a sum of Rs.20,000/- towards maintenance for the minor child Nakshatra.



C.M.A.No.2590 of 2022

2. The main proceedings viz., HMOP.No.3906 of 2019 has been filed by the husband seeking divorce on the ground of cruelty. The wife is resisting the same. During the pendency of the said original petition, the wife filed the instant application in I.A.No.1 of 2019 seeking maintenance for herself and for her minor daughter. During the currency of the petition, the wife withdrew her claim for maintenance and sought for interim maintenance only for the daughter. The husband resisted the petition contending that he has no income and the wife is earning Rs.68,735/- per month and therefore he is not liable to maintain the child. It is his further contention that he has not taken up any job as he has to take care of his father, who is undergoing treatment for blood cancer.

3. Since the wife had shown her income at Rs.68,735/- per month and her expenditure as Rs.1,68,815.75/- per month, we had required her to file an affidavit as to how she manages such expenditure. She has filed an affidavit today stating that some capital expenditure was mistakenly included in the monthly expenditure. Since she has not pressed for monthly maintenance for herself, the said mistake may be ignored.



C.M.A.No.2590 of 2022

4. The husband has not disclosed the truth in the affidavit of assets and liabilities filed by him before the Family Court. He had stated that he is not earning anything. He has not disclosed the income. He claimed that he has resigned the job. He had also stated that he had borrowed from all and sundry. At the same time, the learned counsel for the husband would claim that if the child is sent with him he would be able to maintain the child properly.

5. We do not think that it will be in the interest of the child to accept the offer of the husband to maintain the child himself. Adverting to the quantum of maintenance, we find that the amount awarded by the Tribunal is quite reasonable. The child is aged about 5 years now. A sum of Rs.20,000/- for maintenance of a child aged 5 years is not very high. The wife has also avered that the husband owns luxury houses and property at Salem, Erode and Dharapuram. The very fact that he has chosen to quit his job to take care of his father shows that he should be a wealthy person.



C.M.A.No.2590 of 2022

6. Hence, we see no necessity to interfere with the order of the Family Court. The appeal fails and it is accordingly **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

7. Whatever has been paid pursuant to the conditional order should be given credit to in calculating the arrears of maintenance. The husband is given two months time for paying the entire arrears of maintenance. The maintenance of Rs.20,000/- shall be paid from the month of March 2023 and the same shall be paid on or before 10th of every succeeding month.

(R.S.M.,J.) (K.G.T.,J.)
24.02.2023

dsa

Index	:No
Internet	:Yes
Neutral citation	:No
Speaking order	



C.M.A.No.2590 of 2022

To:-

The III Additional Principal Family Judge,
Chennai.



WEB COPY



C.M.A.No.2590 of 2022

R.SUBRAMANIAN, J.
and
K.GOVINDARAJAN THILAKAVADI, J.

dsa

C.M.A.No.2590 of 2022

24.02.2023