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C.M.A.No.267 of 2023

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MRS.K.GOVINDARAJAN THILAKAVADI

C.M.A.No.267 of 2023

and

C.M.P.No.2016 of 2023

S.Shibu

...Appellant

Vs.

P.Anitha

...Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 19 r/w. Section 55 of the Indian Divorce Act, against the fair and decreetal order in I.A.No.263 of 2022 in I.D.O.P.No.339 of 2021 dated 14.10.2022 on the file of the Family Court, Cuddalore.

For Appellant : Mr.K.G.Senthilkumar

J U D G M E N T

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

Challenge in this appeal is to the order of interim maintenance passed in I.A.No.263 of 2022 in I.D.O.P.No.339 of 2021 dated 14.10.2022.

2.The husband sought for divorce under Section 10(1)(x) of the



C.M.A.No.267 of 2023

Indian Divorce Act. Pending the same, wife filed I.A.No.263 of 2022 seeking interim maintenance. Both the parties did not file their affidavits of assets and liabilities. However, the wife averred that the husband is employed as a Teacher and he is also having other income and therefore, he should be directed to pay a sum of Rs.25,000/- per month as interim maintenance. The Trial Court, upon consideration of the material on records fixed a sum of Rs.4,000/- as interim maintenance. Aggrieved by the order, the husband is on appeal. The wife seems to have accepted the order.

3.We have heard Mr.K.G.Senthilkumar, learned counsel appearing for the appellant.

4.Mr.K.G.Senthilkumar would contend that in the absence of affidavits of assets and liabilities, the Trial Court was not right in fixing the maintenance at Rs.4,000/-. However, before us the husband has produced his salary certificate where it is shown that he is drawing a salary of Rs.10,950/-.



C.M.A.No.267 of 2023

5.Considering the same, we are unable to fault the Trial Court for having awarded a sum Rs.4,000/- towards maintenance. In today's cost of living even Rs.4,000/- could be termed as inadequate. Hence, we do not propose to entertain this appeal. This appeal therefore fails, and it is accordingly, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M.,J.) (K.G.T.,J.)
07.02.2023

kkn

Internet:Yes/No

Index:Yes/No

Speaking/Non-speaking order

To:-

The Family Court,
Cuddalore.



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

KKN

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