



C.M.A.Nos.2948 & 2950 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2023

CORAM :

**THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MR.JUSTICE N.SENTHIL KUMAR**

**C.M.A.Nos.2948 & 2950 of 2023
and C.M.P.Nos.27706 & 27710 of 2023**

Dr.Selvakumar ... Appellant in both C.M.As.

-Vs-

Minor S.J.Sarvesh
Rep.by his guardian and mother
D.Jayalakshmi ... Respondent in CMA 2948/2023
D.Jayalakshmi ... Respondent in CMA 2950/2023

Prayer : Civil Miscellaneous Appeals under Section 19(1) of the Family Court Act to set aside the fair and decretal order dated 22.08.2023 passed in I.A.Nos.3 and 4 of 2023 in HMOP No.316 of 2022 on the file of the learned Family Court Judge, Tiruvallur.

For Appellant : Mr.P.Chandrasekar

J U D G M E N T

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

The husband has come up with these two appeals challenging the orders of interim maintenance granted to the wife and the minor son. The Family Court has



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granted interim maintenance of Rs.10,000/- each to the wife and the son apart from a fixed amount towards litigation expenses.

2. Mr.P.Chandrasekar, learned counsel appearing for the appellant would vehemently contend that the wife is having income of her own and therefore the Family Court was not justified in granting maintenance to her. The learned counsel would submit that proof of such income is available in the affidavit of assets and liabilities filed by him before the Family Court.

3. We do not think that a mere allegation in the affidavit of assets and liabilities filed by the husband before the Family Court would constitute proof of income to the wife. There has to be independent evidence. The husband has not produced even a scrap of paper before the Family Court nor has he attempted to tender evidence as proof of the fact that the wife is earning. We find that the amount of maintenance granted by the Family Court considering the qualification and income of the husband is just and reasonable. We do not see any reason to interfere with the same. The appeals fail and they are accordingly dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

(R.S.M.,J.) (N.S.,J.)
15.12.2023

Index : Yes/No
Internet : Yes/No
KST



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To

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The Family Court
Tiruvallur.



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R.SUBRAMANIAN, J.
and
N.SENTHIL KUMAR, J.

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