



C.M.A.No.321 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2023

CORAM

**THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MR. JUSTICE D.BHARATHACHAKRAVARTHY**

**C.M.A.No.321 of 2023
and
C.M.P.No.2660 of 2023**

E.Surender

... Appellant

Vs.

S.Rajalakshmi

..Respondent

Civil Miscellaneous Appeal filed under Section 19 of the Family Court Act, 1984 against the Judgement and decree dated 11.07.2022 made in I.A.No.1 of 2019 in O.P.No.4526 of 2017 on the file of the II Additional Family Court, Chennai.

For Appellant : Mr.S.Senthilnathan

For Respondents : Ms.D.Arokia Mary Sophia

J U D G M E N T

This Civil Miscellaneous Appeal is directed against the order dated 11.07.2022 in I.A.No.1 of 2019 in O.P.No.4526 of 2017 on the file of the



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II Additional Family Court, Chennai, inasmuch as a total sum of Rs.40,000/- per month has been ordered to be paid by the appellant/husband as interim maintenance.

2. When the matter came up for hearing today, Mr.S.Senthilnathan, learned counsel appearing on behalf of the appellant would submit that as far as the son is concerned, the trial Court has ordered a sum of Rs.20,000/- as maintenance and the appellant has no objection and he is willing to pay the interim maintenance amount and he is only aggrieved of the sum of Rs.20,000/- which is ordered to the wife. According to him, the wife is employed in a private school and is earning and therefore, she is not entitled for maintenance, especially, a sum of Rs.20,000/-.

3. Per contra, Ms.D.Arokia Mary Sophia, learned counsel appearing for the respondent would submit that the respondent/wife is only working in a private School under the management and she is paid a consolidated salary of Rs.10,000/-. The said sum of Rs.20,000/- is also necessary to lead a barest minimum life to their standard.



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4. Now, it is represented by the learned counsel for the appellant that the appellant/husband is at present sailing and will return to land only in the month of September, 2023.

5. We have considered the submissions made on either side and the affidavit of assets and liabilities filed by both parties.

6. Considering the employment, income of the appellant, status of parties and overall facts and circumstances of the case and considering the fact that the Original Petition itself is of the year 2017, we are of the view that the Family Court can be directed to dispose of the Original Petition within a time frame and till then, the appellant/husband can be directed to pay the maintenance as fixed by the trial Court. In that view of the matter, the following order is passed in this C.M.A.

i) The learned II Additional Family Court, Chennai is directed to dispose of the O.P.No.4526/2017 as expeditiously as possible, in any event, within a period of three months, from the appellant's return to home land, i.e., from September, 2023;



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ii) It is needless to mention that the interim maintenance as ordered by the trial Court shall continued to be paid and the arrears shall also to be cleared before the month of September, 2023, when the matter is taken up for trial.

7. Accordingly, the Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(J.N.B,J.) (D.B.C, J.)
07.06.2023

Index : Yes / No
Internet : Yes
vsi

To

II Additional Family Court,
Chennai.



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J. NISHA BANU, J.
and
D.BHARATHA CHAKRAVARTHY, J.

vsi

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