



WEB COPY



C.M.A.No.217 of 2023

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

C.M.A.No.217 of 2023

and

C.M.P.No.1698 of 2023

S.Shibu

...Appellant

Vs.

P.Anitha

...Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 19 of the Family

Courts Act, against the fair and decreetal order dated 22.08.2022 made in

I.A.No.2 of 2020 in HMOP.No.731 of 2018 on the file of the learned

Additional Family Court, Coimbatore.

For Appellant : Mr.N.Manoharan

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 the Family Court,

directing payment of interim maintenance at the rate of Rs.7,500/- per month

from the date of petition till date of the order and Rs.10,000/- per month



C.M.A.No.217 of 2023

thereafter. The husband, who has been directed to pay the maintenance is on appeal.

2.The learned counsel appearing for the appellant would vehemently contend that the appellant is a retired Air Force personnel receiving a pension of Rs.19,500/- only and therefore, award of Rs.10,000/- towards maintenance for the wife is on the higher side. But, the appellant in his additional counter affidavit filed before the Family Court had accepted that he received retirement benefits to the tune of Rs.25,00,000/- and he has given an account for spending Rs.19,00,000/- out of that amount. The learned counsel would also submit that now he is working as a driver. He would be earning atleast a minimum of Rs.10,000/- as salary for his work as a driver.

3.Therefore, we do not think the order passed by the learned Family Judge, directing payment of maintenance as aforesaid could be termed unreasonable. We do not see any reason to interfere with the order. This Civil Miscellaneous Appeal fails and it is accordingly, dismissed. No costs.



C.M.A.No.217 of 2023

Consequently, connected miscellaneous petition is closed.

WEB COPY

(R.S.M.,J.) (S.S.K.,J.)
01.02.2023

kkn

Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

To:-

The Additional Family Court,
Coimbatore.



WEB COPY



C.M.A.No.217 of 2023

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

KKN

C.M.A.No.217 of 2023
and
C.M.P.No.1698 of 2023

01.02.2023