



CMA(MD)No.311 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.04.2023

CORAM

The Honourable Mr. Justice **R.SUBRAMANIAN**
and
The Honourable Mrs. Justice **L.VICTORIA GOWRI**

CMA.(MD)No.311 of 2023 and
CMP(MD) No.3902 of 2023

S.Srinivasan @ Seenivasan

.. Appellant/Respondent

Vs.

1.C.Suriyakala

2.Minor S.S.Pugazhendhi

.. Respondents/
Petitioners

Civil Miscellaneous Appeal is filed under Order XLIII(1)(a) of the Code of Civil Procedure against the judgment in M.C.No.151/2016 dated 04.04.2022 on the file of the Family Court, Madurai.

For Petitioner : Mr.V.Aranmanai Pandian

JUDGMENT

[Judgment of the Court was delivered by **R.SUBRAMANIAN, J.**]

Challenge is to the order of the family Court granting maintenance under Section 125 of the Criminal Procedure Code.



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2. The family Court has granted Rs.8,000/- each per month to the wife and the child of the appellant. The only contention of the learned counsel for the appellant is that the wife holds a Post Graduate Degree in Micro Biology and she can seek appropriate employment. We are afraid such a ground does not exist for the husband to deny maintenance. If the wife is unable to maintain herself, the husband is bound to maintain his wife and child. The inability to maintain would only mean the absence of income. It will not include employability or possibility of the wife getting an employment in future and earning. We also mean that the quantum of maintenance that has been granted is very reasonable and in fact, it is on the lower side. Hence, we do not find any reason to interfere with the order of the family Court. The appeal fails and the same is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

(R.S.M.,J.) (L.V.G.,J.)
05.04.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes

RR

To

1.The *Family Court, Madurai*



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RR

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