



C.M.A(MD)No.348 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**C.M.A(MD)No.348 of 2023
and
C.M.P(MD)No.4286 of 2023**

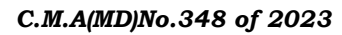
Suresh Kannan ... Appellant/Respondent/Petitioner

-VS-

Sumathi ... Respondent/Petitioner/Respondent

PRAYER: Appeal filed under Section 19 of the Family Courts Act, to set aside the judgment and decree made in I.A.No.4 of 2022 in H.M.O.P.No.136 of 2020 on the file of the Family Court, Tuticorin, dated 26.09.2022, whereby the learned Judge dissolved the marriage between the appellant and the respondent held on 09.06.2016 and allowed the divorce petition filed by the respondent/petitioner.

For Appellant : Mr.B.Arun



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

2. The appellant seeks to canvass to the correctness of the order of the Family Court passed in an application filed under Section 24 of the Hindu Marriage Act, 1955, seeking interim maintenance.

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considering the status of the parties. Hence, the Family court directed the appellant/husband to pay maintenance of Rs.4500/- per month from the date of filing of the petition namely 08.02.2022. Aggrieved, the appellant/husband is on appeal.

4. The learned counsel for the appellant would contend that apart from taking care of the wife who had refused to live with the appellant, he has to take care of his aged parents also. Considering the fact that the appellant is a coolie and that he has to maintain his aged parents, the Family Court ought not to have awarded a sum of Rs.4,500/- as monthly maintenance.

5. We have considered the submissions of the learned counsel for the appellant.

6. The Family Court has adverted to the status of the parties and the income of the husband. Rs.4,500/- per month is a very reasonable sum which in our considered opinion may at times prove to be insufficient. Hence, we do not see any reason to interfere with the order passed by the Family Court.



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7. Hence, the Civil Miscellaneous Appeal fails and it is accordingly, dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

12.04.2023

NCC :Yes/No
Index :Yes/No
PM

To:

The Judge,
Family Court,
Tuticorin.



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R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

pm

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