



C.M.A.(MD).No.1158 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.11.2023

CORAM:

**THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN
AND
THE HONOURABLE MR.JUSTICE P.B.BALAJI**

CMA(MD) No.1158 of 2018

P.Antony Milad

...appellant/
Petitioner

Vs.

S.Beaula

... Respondent/
respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 19 of the Family Courts Act against the order dated 10.08.2018 in I.A.No.51 of 2018 in I.D.O.P.No.170 of 2018 on the file of the Family Court, Kanyakumari at Nagercoil.

For Appellant : No appearance

For Respondent : Mr.K.P.Narayanakumar



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JUDGMENT

RMT.TEEKAA RAMAN, J.

This Civil Miscellaneous Appeal is directed against the order dated 10.08.2018 made in I.A.No.51 of 2018 in I.D.O.P.No.170 of 2018 by the Family Judge, Kanyakumari at Nagercoil.

2.The appellant is the husband and the respondent is the wife. For the sake of convenience, the parties are referred to as 'husband' and 'wife'. The husband has filed this appeal against the grant of interim maintenance.

3.The respondent/wife filed I.D.O.P.No.170 of 2018 for the relief of dissolution of marriage. Pending the said petition, she has filed an interlocutory application for grant of interim maintenance.

4. In the said I.A., the wife has filed Ex.P1 and Ex.P2 and husband filed Ex.R1 to Ex.R8. The said application was resisted by the husband on the ground that he had purchased five cents of land and put



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up a construction. As per the valuation report of the property, property is worth about Rs.90 lakhs at the time of enquiry and in order to prove the same, Ex.R5 to Ex.R8 were marked.

5. The family Court at Nagercoil, on consideration of oral and documentary evidence, has rejected the contention of the husband and granted the relief of interim maintenance of Rs.6,000/- and Rs5,000/- was ordered towards litigation expenses and hence, the appeal.

6. Heard the learned counsel for the respondent. There is no representation on behalf of the appellant.

7. On perusal of the documents filed before the family Court and the order of the Court below, we find that the appellant/husband is a man of means, as could be seen from Ex.R3 – Income Tax returns. The family Court has rightly appreciated the fact that as per the income tax returns and also taking note of Ex.P2 – Bank Passbook of the respondent for the relevant period, found that he has sufficient means. As per Ex.R4- income tax refund order, he had also obtained income tax refund of



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Rs.13,380/- for the assessment year 2008-09. Hence, we find that the award of interim maintenance of Rs.6,000/- (Rupees six thousand only) per month granted on the facts and circumstances of the case and based upon Ex.P2, Ex.R4 and Ex.R5 cannot be termed as excessive and exorbitant. Hence, for all these reasons, we do not find any infirmity or illegality in the order passed by the Court below. Accordingly, this appeal is dismissed. No costs.

(T.K.R.,J.) (P.B.B.,J.)
22.11.2023

NCC : Yes/No
Index : Yes/No
RR

To

- 1.The Family Judge, Kanyakumari at Nagercoil.
- 2.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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AND
P.B.BALAJI, J.

RR

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