



C.M.A(MD)Nos.600 and 626 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on	23.11.2023
Pronounced on	12.12.2023

CORAM:

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

**C.M.A(MD)Nos.600 and 626 of 2018
and
C.M.P.(MD)Nos.6911 and 7338 of 2018**

C.M.A(MD)No.600 of 2018

1.K.Pavithra

2.Minor Sanchana

[Through her mother and guardian 1st petitioner]

... Petitioners/Petitioners/Respondents

-VS-

C.Palanivel

... Respondent/Respondent/Petitioner

C.M.A(MD)No.626 of 2018

C.Palanivel

... Petitioner/Respondent/
Petitioner/Husband

Vs.

1.Pavithra

... Respondent/Petitioner/Respondent/Wife

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2.Minor Sanchana

[Represented by her mother, the first respondent]

... 2nd Respondent/daughter

COMMON PRAYER : Civil Miscellaneous Appeals have been filed under Section 19(1) of Family Courts Act, against the Fair and Decreetal order dated 27.04.2018 made in I.A.No.22 of 2015 in H.M.O.P.No.380 of 2014 by the learned Family Court, Dindigul.

For Appellant (in C.M.A.(MD)No.600 of 2018)
: Mr.S.C.Herold Singh

For Appellant (in C.M.A.(MD)No.626 of 2018)
: Mr.N.Karthik Kanna

For R1 (in C.M.A.(MD)No.600 of 2018)
: Mr.N.Karthik Kanna

For R1 (in C.M.A.(MD)No.626 of 2018)
: Mr.S.C.Herold Singh

COMMON JUDGMENT

RMT.TEEKAA RAMAN, J.

These appeal are directed against the Fair and Decreetal order dated 27.04.2018 made in I.A.No.22 of 2015 in H.M.O.P.No.380 of 2014 by the learned Family Court, Dindigul.



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WEB COPY 2. For the sake of convenience, the parties are referred to as husband and wife.

3. The marriage between the parties was solemnized on 14.11.2005 and they begotten a child, namely, Sanchana on 05.08.2006. Due to the matrimonial discord, the husband filed H.M.O.P.No.380 of 2014 for dissolution of marriage on the ground of cruelty.

4. Pending trial in H.M.O.P.No.380 of 2014, the wife had filed I.A.No.22 of 2015 seeking interim maintenance for herself and for the minor Sanchana. On behalf of the husband, no one was examined and no document was marked. On behalf of the wife, no one was examined and marked Ex.P.1-school fee receipt.

5. The case of the husband before the Family Court is that both of them are living separately and the wife has treated the husband with cruelty and hence, sought for dissolution of marriage on the ground of cruelty. In I.A.No.22 of 2015, the wife stated both herself and the minor Sanchana without any financial aid and hence, sought interim maintenance of Rs.10,000/- each. In the said application,



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the husband filed a counter stating that he is working as an inspector in the local fund audit department in Madurai. However, the wife is working as a Deputy Tahsildar in the Revenue Department and she has the means to pay and maintain herself. The Family Court has ordered Rs.3,000/- each and hence, the wife has filed the present C.M.A.(MD)No.600 of 2018 for enhancement of compensation, while the husband has filed C.M.A.(MD)No.626 of 2018 for modification of the award amount in respect of the wife.

6. After perusing the counter affidavit filed in I.A.No.22 of 2015 as well as the counter in H.M.O.P.No.380 of 2014, we find that the wife is now working as a Deputy Tashildar at Dindigul in the Revenue Department and she has good means to maintain herself and she is also in a Government employment that too in the rank of Tahsildar and hence, we find that the Family Court, without noticing the fact that the wife is working as a Deputy Tahsildar, has chosen to award a sum of Rs.3,000/- to the wife and hence, it calls for interference. At the same time, the wife has filed C.M.A(MD)No.600 of 2018 seeking enhancement of compensation on the ground that the school fees are very high and the child is now studying in 5th standard.



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7. Taking into consideration the fact that the wife is working as Deputy Tahsildar in the Revenue Department at Dindigul, the award of maintenance of Rs.3,000/- passed by the Family Court to the wife is hereby set aside and also taking note of the increase in educational fees, a sum of Rs.3,000/- awarded by the Family Court for the minor child is increased from Rs.3,000/- to Rs.5,000/- per month.

8. With the above observations, both these Civil Miscellaneous Appeals stand partly allowed to the limited extent indicated above. No costs. Consequently, connected miscellaneous petitions are closed.

[T.K.R., J.] [P.B.B., J.]

12.12.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

SJI

To

1. The Family Court, Dindigul.

2. The Record Keeper,

Vernacular Section,

Madurai Bench of Madras High Court,

Madurai.



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RMT.TEEKAA RAMAN, J.
and
P.B.BALAJI, J.

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Pre-delivery Judgment Made in

C.M.A(MD)Nos.600 and 626 of 2018
and
C.M.P.(MD)Nos.6911 and 7338 of 2018

12.12.2023