



C.M.A.(MD)Nos.800 & 801 of 2017 and 29 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.01.2023

CORAM:

THE HONOURABLE DR JUSTICE G.JAYACHANDRAN

and

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

C.M.A.(MD)Nos.800 & 801 of 2017 and 29 of 2018

and

C.M.P(MD)Nos.8662 and 8663 of 2017

S.Aravind

.. Appellant/Petitioner
in all cases

Vs.

Dhivya Rajendran

.. Respondent/Respondent
in all cases

PRAYER IN C.M.A.(MD)No. 800 of 2017:

Civil Miscellaneous Appeal filed under Section 19(1) of the Family Court Act, 1984 against the fair and decreetal order passed in I.A.No.26 of 2016 in



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H.M.O.P.No.316 of 2014 on the file of the Family Court, Trichy, dated 07.04.2017.

PRAYER IN C.M.A.(MD)No.801 of 2017:

Civil Miscellaneous Appeal filed under Section 19(1) of the Family Court Act, 1984 against the fair and decreetal order passed in I.A.No.27 of 2016 in H.M.O.P.No.316 of 2014 on the file of the Family Court, Trichy, dated 07.04.2017.

PRAYER IN C.M.A.(MD)No.29 of 2018:

Civil Miscellaneous Appeal filed under Section 19(1) of the Family Court Act, 1984 against the order passed in H.M.O.P.No.316 of 2014 on the file of the Family Court, Trichy, dated 27.06.2017.

In all cases:

For Appellant : Mr.S.Srikanth
for M/s.APN Law Associates
For Respondent : Mr.M.Saravanan



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COMMON JUDGMENT

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DR.G.JAYACHANDRAN, J.
and
SUNDER MOHAN, J.

These appeals are filed by the appellant/husband against the orders passed in I.A.No.27 of 2016 in H.M.O.P.No.316 of 2014 dated 07.04.2017 and the order passed in H.M.O.P.No.316 of 2014, dated 27.06.2017, on the file of the Family Court, Trichy,

2. Heard the learned counsel for the appellant and the respondent. The parties were also present today to explore the possibility of any settlement. However, we later realised that there is no scope for reconciliation.

3. These appeals are filed by the husband challenging the interim order passed by the Family Court, Trichy, directing him to pay maintenance of Rs.20,000/- per month to his wife and minor son born on 22.12.2011. Besides monthly maintenance, the Family Court has awarded Rs.50,000/- towards the litigation expenses. A conditional order was passed by the



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Family Court vide order dated 07.04.2017 directing him to pay the arrears of maintenance within two months and in case of any default, his petition for divorce will be struck off. The appellant herein neither paid the maintenance nor the litigation costs. Accordingly, the H.M.O.P.No.316 of 2014 got struck off. He has preferred three appeals, viz. one challenging the maintenance amount; the other challenging the litigation costs and third against the order of struck off.

4. This Court, on perusing the records and the order passed by the Family Court, finds that at the time of marriage, the appellant herein been engaged in contract work and making sufficient income. In the petition filed by the wife, she has claimed that her husband's monthly income was around three lakhs. Per contra, the appellant himself has admitted that his monthly income is Rs.22,000/- and he has purchased a car in loan and he needs to maintain his parents. There is some evidence to show that the father of the appellant have multiple business and the appellant is substantially assisting him in his father's avocation. In the said circumstances, the Family Court has fixed Rs.20,000/- as monthly maintenance for the wife and minor son



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besides Rs.50,000/- towards the litigation expenses.

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5. One of the crucial evidence relied by the Family Court to fix the above amount is Ex.P.4 which is the matrimonial profile uploaded by the appellant herein at the time of seeking bride. In the said profile, he has claimed that his monthly income is Rs.7,00,000/-. It is to be noted that the marriage took place on 12.02.2010. A male child was born on 22.12.2010. Within a year after the child birth, the appellant herein has deserted his wife and child.

6. It is now brought to the notice of this Court that the respondent/ wife of the appellant, is gainfully employed at Chennai and also filed a petition for divorce. However, taking note of the fact that for maintenance of his wife and minor child, the appellant cannot abduct his responsibility and allow his petition for divorce to get struck off, solely to avoid payment of maintenance. This Court finds no bonafide in the conduct of the appellant.



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7. In the result, these Civil Miscellaneous Appeals are dismissed. No Costs. The appellant herein is directed to pay arrears of the maintenance amount as awarded by the Family Court, within a period of two months from the date of receipt of a copy of this order, failing which, the respondent is entitled to proceed against him in the manner known to law. Connected Miscellaneous Petitions are closed.

[G.J., J.] & [S.M., J.]
27.01.2023

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

To
The Judge,
Family Court,
Trichy.



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and
SUNDER MOHAN, J.

PJL

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