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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.12.2023**

CORAM:

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

C.M.A(MD)No.1102 of 2022
and
C.M.P(MD)No.11226 of 2022

S.Venkatraman ...Appellant/Respondent/Respondent

.vs.

V.Indhira ...Respondent/Petitioner/Petitioner

PRAYER: Civil Miscellaneous Appeal filed under Section 19(1) of the Family Courts Act, against the fair and decretal order dated 26.08.2022 made in I.A.No.4/2021 in H.M.O.P.No.18/2021 on the file of the Family Court, Virudhunagar at Srivilliputhur.

For Appellant :Mr.M.Saravanakumar

For Respondent :Mr.T.R.Subramanian

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JUDGMENT
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[Judgment of the Court was made by **RMT.TEEKAA RAMAN.,J.**]

The Legal Aid Counsel was appointed for the respondent/wife.

2. For the sake of convenience, the parties are referred to according to their litigative status before the Family Court as husband and wife.

3. The respondent / wife filed H.M.O.P.No.18 of 2021 before the Family Court, Srivilliputhur for dissolution of marriage between the parties. The appellant / husband filed H.M.O.P.No.22 of 2021 before the same Court for restitution of conjugal rights. Pending H.M.O.P.No.18 of 2021, the wife also filed I.A.No.4 of 2021 for interim maintenance and for litigation expenses.

4. By the order dated 26.08.2022 the Family Court Judge has directed the husband to pay the interim maintenance of Rs.4,000/- per month and Rs.5,000/- for litigation expenses. Challenging the said order, the husband has filed the present appeal.

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5. The marriage between the parties was solemnized on 05.11.2003 and a daughter viz., Kavitha born on 14.12.2004 and she is now studying second year in the college. The parties are residing in the very same house viz., ground floor and first floor.

6. Heard both sides. Perused records.

7. After hearing both parties, we find that the wife decided to fix the marriage for her daughter, which was disliked by the husband, resulted in filing the H.M.O.P.No.18 of 2021. Pending the said application, the husband has filed H.M.O.P.No.22 of 2021 for restitution of conjugal rights.

8. After hearing the rival submissions, on the point of quantum of interim maintenance and litigation expenses, we find that before the trial Court, no oral and documentary evidence filed. Admittedly, the husband is 52 years old and he is working as AC Mechanic.

9. Taking into consideration of entire circumstances, place of avocation and nature of avocation by the husband, we find that a sum of

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Rs.4,000/- as monthly maintenance ordered by the Family Court, Srivilliputhur is excessive and hence, the order of the Family Court is modified to the effect that the interim maintenance awarded by the Family Court is reduced from Rs.4,000/- to Rs.3,000/- and the litigation expenses granted by the Family Court Judge is confirmed and the same has to be paid on or before 28.01.2024.

10. In view of above modification, the Civil Miscellaneous Appeal is partly allowed. The learned Family Court Judge, Srivilliputhur is directed to dispose the main cases as expeditiously as possible. No costs. Consequently, connected miscellaneous petitions are closed.

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

[T.K.R.,J.] [P.B.B.,J.]
12.12.2023

To
The Family Court,
Srivilliputhur.

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

am

JUDGMENT MADE IN
C.M.A(MD)No.1102 of 2022

12.12.2023

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