



C.M.A(MD)No.1089 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2023

CORAM:

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

**C.M.A(MD)No.1089 of 2023
and
C.M.P(MD)No.14960 of 2023**

S.Rajkumar

...Appellant

.vs.

G.S.Sri Vidhyavathy

...Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act, 1984 to set aside the fair and decretal order dated made in I.A.No.1893 of 2022 in H.M.O.P.No.714 of 2019, on the file of the Family Court, Madurai.

For Appellant

:Mr.D.Devi Saravana Priya

For Respondent

:Mr.J.Karmegakannan

JUDGMENT

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

Mr.J.Karmegakannan, learned counsel takes notice for the respondent / wife.



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2. After hearing both parties, we find that the respondent / wife has initially filed H.M.O.P.No.88 of 2018 for restitution of conjugal rights, wherein, the appellant / husband has filed a memo stating that he is willing to live with the respondent, however, the respondent / wife has also withdrew the said application on 31.01.2019. Thereafter, the respondent / wife filed another H.M.O.P.No.714 of 2019 before the Family Court, Madurai for divorce on the ground of cruelty. Pending the said HMOP, the appellant / husband filed an application in I.A.No.742 of 2022 for custody of the child and the same was allowed to the limited extent. In the meanwhile, respondent / wife filed an application in I.A.No.1893 of 2022 seeking interim maintenance. After contest, the Family Judge, Madurai has granted an interim maintenance of Rs.3,000/- to the wife and Rs.3,000/- to the minor son. Aggrieved against the said order, the husband has filed the present appeal on the ground that at the time, he was working as Software Engineer, however, after Covid-19 he is at home and hence, the maintenance amount awarded by the Family Court is exorbitant.

3. The learned counsel appearing for the respondent / wife submitted that the respondent is working from home.



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4. After perusing the discussions made by the learned Family Judge, Madurai and also taking into consideration the various pleadings contended and quantum of maintenance being awarded at Rs.3,000/- for wife and Rs.3,000/- for minor son, we do not find any error that the said amount is exorbitant as projected by the learned counsel for the appellant. The quantum of maintenance granted by the Family Judge appears to be just and fair and does not require any interference.

5. Accordingly, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[T.K.R.,J.] [P.B.B.,J.]
07.11.2023

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

To
The Family Court,
Madurai.



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

am

JUDGMENT MADE IN
C.M.A(MD)No.1089 of 2023

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