



C.M.A(MD) Nos.1165 & 1214 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 28.11.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE P.VADAMALAI**

C.M.A(MD) Nos.1165 & 1214 of 2023

In C.M.A.(MD)No.1214 of 2023

J.Vellaiammal @ Sumathi ... Respondent / Petitioner / Petitioner

Vs.

Adiveerapandiyan ... Petitioner / Respondent / Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 19 of Family Courts Act, to call for the records pertaining to the order passed in I.A.No.4 of 2023 in H.M.O.P.No.3472/2022 on the file of the Family Court, Tirunelveli vide order dated 20.09.2023 and enhance the interim maintenance amount as prayed for.

For Appellant : Mr.N.Balasubramanian

For Respondent : Mr.V.Angusamy



C.M.A(MD) Nos.1165 & 1214 of 2023

In C.M.A.(MD)No.1165 of 2023

Adiveerapandiyan

... Appellant / Respondent / Petitioner

Vs.

J.Vellaiammal @ Sumathi

... Respondent / Petitioner / Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 19 of Family Courts Act, to call for the records pertaining to the Judgment and decree dated 20.09.2023 in I.A.No.4 of 2023 in H.M.O.P.No.347 of 2022 passed by the learned Family Court, Tirunelveli and set aside the same and allow this civil miscellaneous petition.

For Appellant : Mr.V.Angusamy

For Respondent : Mr.N.Balasubramanian

COMMON ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2.The marriage between the parties took place on 16.11.2011.

No child was born through the wedlock. Difference of opinion arose



C.M.A(MD) Nos.1165 & 1214 of 2023

between the parties. The husband filed H.M.O.P.No.347 of 2022 on the file of the Family Court, Tirunelveli seeking dissolution of his marriage with the respondent. Wife filed I.A.No.4 of 2023 seeking interim maintenance. A sum of Rs.50,000/- was awarded by the Court vide order dated 20.09.2023. Questioning the said quantum, husband filed C.M.A. (MD)No.1165 of 2023. Seeking enhancement, wife filed C.M.A. (MD)No.1214 of 2023. The husband is presently working as CEO in the software company. He is said to be earning a sum of Rs.4,00,000/- per month. Wife is a home maker and she is at Tirunelveli.

3. We are satisfied that the court below rightly awarded a sum of Rs.50,000/-. It cannot be characterized as excessive. It cannot be characterized as too low. Wife after all has to maintain herself. We are more than satisfied that the wife can very well maintain herself with the amount awarded by the court below. Yet another aspect that has to be borne in mind is that it is after all the interim maintenance awarded by the court below that has been challenged. This amount is subject to variation, when the final order is passed. When the court below has exercised its discretionary jurisdiction, in exercise of our appellate jurisdiction, we are not inclined to interfere with the said order.



C.M.A(MD) Nos.1165 & 1214 of 2023

4. Both the civil miscellaneous appeals are dismissed. No costs.

WEB COPY

(G.R.S., J.) (P.V.M., J.)
28.11.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
rmi

To

The Family Court, Tirunelveli.



WEB COPY



C.M.A(MD) Nos.1165 & 1214 of 2023

G.R.SWAMINATHAN, J.
AND
P.VADAMALAI, J.

rmi

C.M.A(MD) Nos.1165 & 1214 of 2023

28.11.2024