



C.M.A.(MD)No.1198 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**C.M.A.(MD)No.1198 of 2023
and
C.M.P.(MD)No.15886 of 2023**

N.Thangamageswari

... Appellant

Vs.

Kalimuthu

... Respondent

Prayer : Civil Miscellaneous Appeal is filed under section 19 of Family Court Act, to set aside the fair and decreetal order passed in I.A.No.3 of 2023 in H.M.O.P.No.349 of 2022 dated 01.09.2023 on the file of the Family Court, Dindigul.

For Appellant : Mr.B.Azhagesh

For Respondent : Mr.R.Suresh



C.M.A.(MD)No.1198 of 2023

JUDGMENT

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(Judgment of the court was delivered by G.R.Swaminathan, J.)

Heard both sides.

2.Kalimuthu filed H.M.O.P.No.349 of 2022 before the Family Court, Dindigul for divorcing his wife / Thangamageswari. Thangamageswari filed I.A.No.3 of 2023 seeking interim maintenance to the tune of Rs.15,000/-. The Court below vide order dated 01.09.2023 awarded a sum of Rs.4,000/- as monthly maintenance. Seeking enhancement of the same, Thangamageswari filed this civil miscellaneous appeal.

3.Kalimuthu is said to be employed as gardener. The appellant asserts that Kalimuthu is also getting rental income besides agricultural income.

4.We do not want to go into those aspects. Even an unemployed person is expected to maintain his wife. We are clearly of the view that a sum of Rs.4,000/- awarded by the Court below is low. In the interest of



C.M.A.(MD)No.1198 of 2023

justice, it is enhanced to Rs.7,000/- per month. This enhancement will come into effect from the date of this order. The arrears payable by the respondent shall be cleared within eight weeks from today ie., 05.12.2024.

5.This civil miscellaneous appeal is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (R.P. J.)
05.12.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

The Family Court,
Dindigul.



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C.M.A.(MD)No.1198 of 2023

**G.R.SWAMINATHAN, J.
and
R.POORNIMA, J.**

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C.M.A.(MD)No.1198 of 2023

05.12.2024