



C.M.A.No.568 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2025

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CORAM :
THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

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Jabakar Samuel	..	Appellant
	Vs.	
Jasmine	..	Respondent

Prayer: Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the fair and decreetal order dated 21.12.2024 passed in FCIA.No.3 of 2024 in F.C.I.D.O.P.no.135 of 2024 by the Family Court Judge at Chengalpet.

For the Appellant : Mr.Praveen Alexander

JUDGMENT

(Judgment of the Court was made by R.SURESH KUMAR, J.)

This civil miscellaneous appeal has been directed against the order passed by the Family Court, Chengalpet, made in F.C.I.A.No.3 of 2024 in F.C.I.D.O.P.No.135 of 2024, vide order dated 21.12.2024.

2. Before the Lower Court, the appellant has filed an FCIDOP in F.C.I.D.O.P.No.135 of 2024, seeking divorce against the respondent wife. During the pendency of the said FCIDOP, the respondent wife filed FCIA.No.3 of 2024, seeking interim maintenance.



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3. The Family Court, having considered the merits of the case, awarded a sum of Rs.5,000/- payable per month as interim maintenance by the appellant to the respondent wife. Aggrieved over the same, the present appeal has been directed.

4. Heard *Mr.Praveen Alenxander*, learned counsel appearing on behalf of the appellant, who would submit that the appellant is working as a Junior Assistant in the Highways Department of the Government of Tamil Nadu and according to his salary bill, he is earning a sum of Rs.36,000/- per month and he is living with his aged mother. The medical and other expenses, to take care of his mother, also are to be looked into only by the appellant, therefore, the order passed by the Family Court, which is impugned herein, directing the appellant to pay a sum of Rs.5,000/- per month as interim maintenance to his wife, that is the respondent herein, is on the higher side. Therefore, such an order is liable to be interfered with, he contended.

5. We have perused the order that is impugned herein, where, reasons have been adused by the learned Judge in paragraphs 6 and 7 of the impugned order, where, it has been stated that the



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respondent wife is working as a P.T. Teacher and is earning an income of Rs.10,000/- per month and the appellant is working as a Junior Assistant and he is earning a sum of Rs.36,461/- per month. When that being the position, to lead a minimum comfortable life of a woman, who is working as a P.T. Teacher, certainly, the earning of Rs.10,000/- per month is not adequate and therefore, it requires some more addition, which is added by way of an interim maintenance to an extent of Rs.5,000/- by the learned Judge through the impugned order, which is a very reasonable one.

6. Therefore, we do not find any good reason to interfere with the order impugned herein. Resultantly, this appeal fails and hence, it is liable to be dismissed. Accordingly, the present civil miscellaneous appeal stands dismissed. However, there shall be no order as to costs.

(R.S.K., J.) (A.D.M.C., J)
27.02.2025

Neutral Citation:Yes/No

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R. SURESH KUMAR, J.
AND
A.D.MARIA CLETE, J.

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