



C.M.A(MD)No.416 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 04/12/2025

CORAM

THE HONOURABLE MR JUSTICE G.K.ILANTHIRAIYAN
AND
THE HONOURABLE MS JUSTICE R.POORNIMA

C.M.A(MD)No.416 of 2022
and
CMP(MD)No.3678 of 2022

Dr.Naveen Isaac Jeyaraj : Appellant/Respondent/Petitioner

Vs.

Dr.Caroline Jeyakumar : Respondent/Petitioner/Respondent

Prayer:- This Civil Miscellaneous Appeal is filed under Section 19 of the Family Courts Act, against the fair and decretal order passed in I.A No.322 of 2019 in IDOP No.82 of 2018, dated 15/12/2021 on the file of the Family Court, Madurai.

For Appellant : Mr.V.K.Vijayaragavan

For Respondent : Mr.M.P.Senthil



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J U D G M E N T

(Judgment of the Court was made by the Hon'ble **G.K.ILANTHIRAIYAN.J.**)

This Civil Miscellaneous Appeal has been preferred as against the judgment and decree passed in IA No.322 of 2019 in IDOP No.82 of 2022, dated 15/12/2022, thereby ordered interim maintenance of Rs.30,000/- in favour of the appellant's minor daughter.

2.The appellant herein is the husband of the respondent. Both got married, on 09/06/2014 and gave birth to a female child on 28/11/2016. Both are professionally Doctors and working in private hospitals and earning reasonable salary. While doing so, there were misunderstandings between them and they got separated. Therefore, the appellant/husband filed a petition for divorce on the ground of cruelty and desertion in IDOP No.82 of 2018 on the file of the Family Court, Madurai. While pending trial, the respondent/wife filed a petition for interim maintenance for herself and for her minor daughter. After considering the income of the appellant, the trial Court rejected the application of the respondent seeking interim maintenance for herself and awarded interim maintenance of Rs.30,000/- per month in favour of the minor daughter.



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3. Aggrieved over the same, the present appeal is filed by the husband as appellant.

4. The learned Counsel appearing for the appellant submits that though the appellant filed documents before the trial Court to substantiate his income and liabilities as early as on 04/01/2021, those documents were not allowed to mark in IA No.322 of 2019. Further, in the petition itself, the respondent claimed a sum of Rs.25,000/- as interim maintenance for her minor daughter. However, the trial Court awarded interim maintenance to the tune of Rs.30,000/-. Further, the trial has already commenced and the appellant as well as the respondent were examined by the trial Court. Under these circumstances, he prays for allowing the appeal.

5. Though this Court is not inclined to interfere with the order passed by the trial Court, a sum of Rs.30,000/- ordered by the trial Court towards interim maintenance is more than the claim made by the respondent. Therefore, this Court is inclined to reduce the interim maintenance amount to **Rs.25,000/-** from Rs.30,000/- in favour of the minor daughter payable by the appellant.



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6. Accordingly, this Civil Miscellaneous Appeal is **partly allowed**.

The trial Court is directed to dispose of the IDOP No.82 of 2018 within a period 12 weeks from the date of receipt of a copy of this order. If the appellant fails to pay the interim maintenance as modified by this Court as well as the arrears if any, the respondent is at liberty to approach the trial Court by way of filing appropriate petition in the manner to known law. No costs. Consequently, connected Miscellaneous Petition is closed.

(G.K.I., J.) (R.P., J.)
04-12-2025

Index: Yes/No
Internet: Yes/No
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G.K.ILANTHIRAIYAN,J
and

R.POORNIMA,J

er

To,

1.The Family Court,
Madurai.

2.The Section Officer,
VR/ER Section,
Madurai Bench of Madras High Court,
Madurai.

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04/12/2025