
(2014) 02 MAD CK 0143

In the Madras High Court

Case No : C.M.A. No. 3177 of 2013 and M.P. No. 1 of 2013

G. Krishna Kumar

APPELLANT

Vs

Minor daughter S. Aishvariya Shivani @ Hemapoorani, Minor
S. Gopiksha Mirnalini

RESPONDENT

Date of Decision : 11-02-2014

Acts Referred:

Citation : (2014) 02 MAD CK 0143

Hon'ble Judges : M. Jaichandren, J;K. Kalyanasundaram, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

K. Kalyanasundaram, J.—Inveighing the order, dated 26.2.2013, passed by the III Additional Family Court, Chennai, in I.A. No. 1948 of 2010 in H.M.O.P. No. 600 of 2007, this civil miscellaneous appeal is filed.

2. The appellant is the respondent, in H.M.O.P. No. 600 of 2007, on the file of the III Additional Family Court, Chennai. The original petition was filed by his wife, Mrs. Suganya, for dissolution of the marriage, held on 30.8.1995, and for other reliefs.

3. In the original petition, the respondents, who are the children of the appellant, filed an application, in I.A. No. 1948 of 2010, seeking interim maintenance of Rs. 15,225/- and a sum of Rs. 1 lakh towards litigation expenses. The appellant, in his counter, had made so many allegations against his wife, but in the concluding portion, agreed to pay Rs. 20,000/-, towards interim maintenance, to the respondents and Rs. 20,000/- towards litigation expenses. The learned III Additional Principal Judge, Family Court, Chennai, has allowed the application in part, directing the appellant to pay Rs. 20,000/- per month towards interim maintenance and Rs. 25,000/- towards multiple litigation expenses. The said order is under challenge in the present appeal.

4. Heard Ms. T. Thirupurasundari, learned counsel for the appellant and Ms. K.

Sumathi, learned counsel for the respondents and perused the records.

5. Learned counsel for the appellant submitted that the learned III Additional Principal Judge, Family Court, Chennai, has not made a judicial approach, in deciding the issue involved in the application; that the appellant is earning only a sum of Rs. 30,000/- per month and out of which, he is paying Rs. 7,000/- towards rent and also incurring expenses for his age old mother; that his wife is earning Rs. 15,00,000/- per annum, through her employment, in the software field and so, the appellant is not liable to pay interim maintenance, as awarded by the lower Court.

6. Per contra, the learned counsel for the respondents submitted that the appellant himself had expressed his willingness, in the counter, to pay Rs. 20,000/- per month towards interim maintenance and Rs. 20,000/- towards multiple litigation expenses and only on that basis, the Court below has passed the order, which does not require interference by this Court.

7. Admittedly, the respondents are the daughters of the appellant herein, who are school going children, aged about 13 and 10, respectively. The appellant is bound to take care of their education and to maintain them. The appellant, having admitted in his counter that he is ready to pay Rs. 20,000/- per month towards maintenance and Rs. 20,000/- towards litigation expenses, cannot now take a different stand and challenge the impugned order. Considering the present day cost of living, the amount awarded, by the Court below, in favour of the respondents, is just and reasonable. The order under challenge is only an interim order, passed during the pendency of the original petition.

8. In the light of the above, we could see no infirmity or illegality in the order passed by the Court below. Accordingly, the civil miscellaneous appeal is dismissed. No costs. Consequently, connected miscellaneous petition is dismissed.