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C.M.A.No.2118 of 2023

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2023

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MRS. JUSTICE R.KALAIMATHI

**C.M.A.No.2118 of 2023**

**and**

**C.M.P.No.20601 of 2023**

S.Vigneshwaran

...Appellant

Vs.

1.M.Revathy

2.V.R.Haasini (Minor)

Rep. By mother and next friend M.Revathy

...Respondents

**Prayer:** Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act, 1984, against the order and decretal order dated 06.04.2023 passed in I.A.No.2 of 2019 in O.P.No.2568 of 2017 on the file of the II Additional Principal Family Court, Chennai.

For Appellant : Mr.Suchit Anant Palande

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## **J U D G M E N T**

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Challenge in this appeal is to the order of interim maintenance granted at Rs.25,000/- for the wife and the minor daughter of the appellant.

2. The main petition viz., H.M.O.P.No.2568 of 2017 has been filed by the appellant seeking divorce on the ground of cruelty. Pending the said petition the wife filed I.A.No.2 of 2019 seeking interim maintenance at Rs.1,00,000/- each per month for herself and the minor daughter.

3. The said petition was resisted by the husband contending that he has taken a break from his job for doing his Ph.D and he is only taking part-time employment and drawing Rs.20,000/- per month. Therefore, the maintenance as claimed should not be granted.

4. At the hearing, the wife apart from producing certain details of business that is carried on by the husband, also produced the details of the agricultural land holdings of the husband. Considering the cumulative



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effect of the documents that were produced, the learned Family Judge granted Rs.12,500/- per month each to the wife and the daughter as interim maintenance. Hence, this appeal.

5. We have heard Mr.Suchit Anant Palande, learned counsel appearing for the appellant.

6. Though Mr.Suchit Anant Palande, learned counsel appearing for the appellant would very persuasively argue that the maintenance awarded by the Family Court is on the higher side. We are unable to accept his submissions. The amount awarded in our opinion would be just about sufficient for sustenance of one human being at the cost of living today. Merely because the petitioner has taken a study holiday or an Academic break, his duty to maintain his wife and child cannot take the back seat. Rs.12,500/- per month each person as of today in our considered opinion is very meagre.



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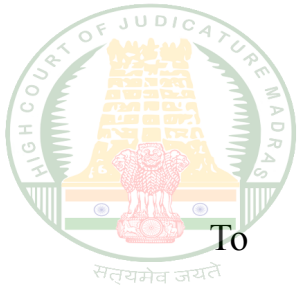
7. We therefore do not see any reason to interfere with the order of the learned Family Judge. The appeal therefore fails and it is **dismissed**.

No costs. Consequently, the connected miscellaneous petition is closed.

8. The learned counsel for the appellant would submit that there are already talks for settlement of the entire issue between the parties and if the matter is referred to mediation it would do a lot of good to the parties. While dismissing the appeal devoid of merits, we direct the Family Court to refer the matter for mediation to the Mediation Centre attached to the Principal City Civil Court, Chennai or to the Mediation Centre attached to this Court to enable the parties to arrive at a negotiated settlement.

(R.S.M.,J.) (R.K.M.,J.)  
12.09.2023

dsa  
Index :No  
Internet :Yes  
Neutral Citation :No  
Speaking order



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To

WEB COPY The II Additional Principal Family Court,  
Chennai.



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**R.SUBRAMANIAN, J.**  
**and**  
**R.KALAIMATHI, J.**

dsa

**C.M.A.No.2118 of 2023**  
**and**  
**C.M.P.No.20601 of 2023**

**12.09.2023**