

ITEM NO.41

COURT NO.9

SECTION XII

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 23555/2017

(Arising out of impugned final judgment and order dated 01-06-2017 in CMA No. 2733/2016 passed by the High Court of Judicature at Madras)

K. LATIKA

Petitioner(s)

VERSUS

P.R. GANESH
(FOR ADMISSION)

Respondent(s)

Date : 09-04-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA
HON'BLE MR. JUSTICE S. ABDUL NAZEER

For Petitioner(s)

Mr. K. R. Sasiprabhu, AOR
Mr. Ajay Kumar Jha, Adv.

For Respondent(s)

Mr. V. Balachandran, Adv.
Mr. Siddharth Naidu, Advd.
M/S. KSN & Co., AOR

UPON hearing the counsel the Court made the following
O R D E R

We have heard the learned counsel appearing for the petitioner and the learned counsel appearing for the sole respondent at length.

During the course of hearing, it was brought to our notice that divorce has already been granted between the parties. However, an appeal against the same is pending.

Present impugned order of the High Court is an interim one and the said court has completely rejected the payment of any maintenance to the wife on the ground that she is employed, which we cannot agree.

We are of the opinion that the High Court failed to recognize the apparent disparity in the salary. We are aware of the fact that presently we are concerned with the alimony *pendente lite*, under Section 24 of the Hindu Marriage Act,

which mandates us to look at whether the petitioner herein has income sufficient to support herself'.

Taking into consideration the facts and circumstances of the case, an amount of Rs. 5,000/- per month be paid to the petitioner (wife) by the respondent (husband) from the date of filing the maintenance application, until final adjudication takes place.

This Special Leave Petition is disposed of in the afore-stated terms.

(VISHAL ANAND)
COURT MASTER (SH)

(RENUKA SADANA)
ASST. REGISTRAR