

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.09.2016

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE MR. JUSTICE R.MAHADEVAN

O.S.A.No.106 of 2010

C.Rajamani ... Appellant
versus

C.Rathnabai ... Respondent

Appeal filed under Order 36 Rule 9 of Original Side Rules read with Clause 15 of the Letters Patent Act, against the Order and Decreetal Order dated 21.10.2009 passed in A.No.5047 of 2008 in O.M.S.No.50 of 1998.

A.No.5047 of 2008 : Application praying that this Hon'ble Court be pleased to direct the Respondent to pay the monthly maintenance of Rs.10,000/- to the applicant from the date of O.M.S.No.50 of 1998, together with another sum of Rs.20,000/- being the litigation expenses to the applicant.

O.M.S.No.50 of 1998 : Petition under Sections 18 and 22 of the Indian Divorce Act 1869 and order XXVII of original side Rules prays for a declaration of the marriage solemnized on 22.01.1981 at Roman Catholic Church Thalavattai Kanniyakumari District as null and void on the ground the same is vitiated by fraud or in the alternative for judicial separation on the grounds of desertion coupled with cruelty and for other relief.

For Appellant : Mr.A.R.Nixon

For Respondent : Mr.V.Suryanarayana Reddy

J U D G M E N T
(Judgement of the Court was delivered by The Hon'ble Chief Justice)

We have heard the learned counsel for the parties.

2. It is agreed that the maintenance has been fixed by the impugned order as Rs.5000/- per month, to be paid by the appellant from the month of September, 2016.

3. We may notice that the divorce petition of the appellant has been dismissed and the appeal against the same is pending in OSA.No.107 of 2010. It is open to the respondent/wife to move an appropriate application for fixing of enhanced amount of maintenance in view of the change of circumstances over this long period of time.

4. The Original Side Appeal accordingly stands dismissed, leaving the parties to bear their own costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ksr

To

The Sub Assistant Registrar,
Original Side,
High Court, Madras.

+1cc to Mr.A.R.Nixon, Advocate, S.R.No.51477

O.S.A.No.106 of 2010

TM(CO)
CA(21/09/2016)

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