

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.11.2017

CORAM

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

Civil Miscellaneous Appeal No.2633 of 2015
and M.P.No.1 of 2015

Raja @ Maharaja Appellant

Vs.
Prabha Respondent

Prayer:- Civil Miscellaneous Appeal filed under Section 19 of the Family Court Act, 1988, praying to set aside the fair and final order dated 10.08.2015 passed in I.A.No.573 of 2014 in H.M.O.P.No.237 of 2014 on the file of Family Court, Erode.

For Appellants : Mr.S.Kaithamalai Kumaran

For Respondent : Mr.Sivasankar for
M/s.Sarvabhauman Associates.

JUDGMENT

(Judgment of the Court was delivered by A.SELVAM,J.)

This Civil Miscellaneous Appeal has been preferred against the order dated 10.08.2015 passed in I.A.No.573 of 2014 in H.M.O.P.No.237 of 2014 by the Family Court, Erode.

2. The respondent herein as Petitioner has filed H.M.O.P.No.237 of 2014 on the file of the trial court, praying to pass a decree of divorce, wherein, the present appellant has been shown as respondent. During the pendency of the same, the petitioner has filed I.A.No.573 of 2014 in H.M.O.P.No.237 of 2014, praying to pass an order of interim maintenance, wherein, an executable decree has been passed and the same has been challenged in the present Civil Miscellaneous Appeal by the respondent/husband.

3. The learned counsel appearing for the appellant has contended to the effect that in H.M.O.P.No.237 of 2014, a compromise has been arrived at between the parties and

consequently, divorce has been granted and further the respondent/wife has not pressed interim monthly maintenance.

4. The learned counsel appearing for the respondent/petitioner has also conceded the contentions put forth on the side of the appellant.

5. Considering the fact that in H.M.O.P.No.237 of 2014, a decree of divorce has been granted on the basis of compromise

entered between the parties and also considering that the petitioner/wife has not pressed interim monthly maintenance, this court is of the view to set aside the order passed in I.A.No.573 of 2014.

In fine, this Civil Miscellaneous Petition is allowed without costs. The order passed in I.A.No.573 of 2014 is set aside and I.A.No.573 of 2014 in H.M.O.P.No.237 of 2014 is dismissed without costs. Consequently, connected M.P.No.1 of 2015 is closed.

Sd/-

Assistant Registrar(CS VII)

//True copy//

Sub Assistant Registrar

nvsri

To

1.The Family Court Judge,
Erode.

2.The Section Officer,
V.R.Section, High Court, Madras.

+1cc to Mr.Sarvabhuman Associates, Advocate SR.No.81785

MG(CO)
GN(02/01/2018)

C.M.A.No.2633 of 2015