

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CMA No.1932 of 2018
and C.M.P.No.14886 of 2018

S.Jayaprakash
Rep. by his Power of Attorney,
K.Subramanian Appellant

-vs-

R.Aarathana Respondent

(Cause title accepted vide Court order
dated 04.06.2018 made in
C.M.P.No.9246 & 9247/2018 in
C.M.A.SR.23018/2018)

Civil Miscellaneous Appeal filed under Section 19 of Family
Court Act, against the decree and order dated 13.10.2017, passed
in I.A.No.97 of 2014 in H.M.O.P.No.66 of 2014, on the file of
the Family Court, Thiruvallur.

For Appellant :Mr.S.Anantha Narayanan,
Senior Counsel,
Ms.T.S.Kanmani

For Respondent :Mr.S.Janarthanam

J U D G M E N T

[Judgment of the Court was delivered by K.K.SASIDHARAN,J.]

This Civil Miscellaneous Appeal is directed against the
order dated 13th October, 2017 in I.A.No.97 of 2014 in
H.M.O.P.No.66 of 2014, on the file of the Family Court,
Thiruvallur, granting interim maintenance to the respondent
during the currency of the original petition.

2.The order granting maintenance was passed on the basis of
the statement made by the learned counsel for the appellant that

his client is ready to pay a sum of Rs.10,000/- per month. The appellant has taken up a contention in the present appeal that no such concession was given on behalf of the appellant.

3.The learned Judge, Family Court, Thiruvallur has made an observation that the order was passed pursuant to the consent given by the learned counsel for the appellant. In case any consent was not given by the appellant, the proper remedy is to approach the Family Court, Thiruvallur, as the appeal is not a remedy in a matter of this nature.

4.We are of the view that no interference is called for in the order impugned in the appeal at the instance of the appellant. It is open to the appellant to file a Review Petition before the Family Court, Thiruvallur, if he is so advised.

5.The Civil Miscellaneous Appeal is dismissed. There will be however no order as to costs in this appeal. Consequently, the connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

gsa

To

1.The Judge,
Family Court, Thiruvallur.

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

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and C.M.P.No.14886 of 2018

BR(CO)
GN(03/10/2018)

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