



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2018

CORAM:

**THE HONOURABLE DR. JUSTICE S.VIMALA**  
**AND**  
**THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI**

**C.M.A. [MD].No.1253 of 2017**

Silamparasan : Appellant/Petitioner  
Vs.

Marieswari : Respondent/Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 19 of Family Court Act against the fair and decreetal order dated 10.11.2016 made in H.M.O.P.No.182 of 2014 on the file of the Family Court, Srivilliputtur, Virudhunagar District and to set aside the same and allow this Civil Miscellaneous Appeal.

For Appellant : No appearance

For Respondent : Mr.G.Thalai Mutharasu

**ORDER**

[Order of the Court was made by **S.VIMALA, J**]

This Civil Miscellaneous Appeal has been filed, challenging the order dated 10.11.2016 made in H.M.O.P.No.182 of 2014.

2.The appellant / Silamparasan has filed H.M.O.P.No.176 of 2011 before the Sub Court, Srivilliputtur, seeking the relief of divorce. The said case has been, subsequently, transferred from the Sub-Court, Srivilliputtur to the Family Court, Srivilliputtur and re-numbered as H.M.O.P.No.182 of 2014. The wife filed an application for interim maintenance in I.A.No.28 of 2016 in H.M.O.P.No.182 of 2014. The appellant filed a counter and ultimately, the Family Court, Srivilliputtur has ordered the appellant to pay interim maintenance at the rate of Rs.4,000/- per month from the date of the order. As the interim maintenance as ordered in I.A.No.28 of 2016 is not paid, the main petition has been dismissed, by an order dated 10.11.2016. This order is under challenge in this Civil Miscellaneous Appeal.

3. There was no representation on behalf of the appellant on 12.01.2018 and therefore, this Court is directed to list the



matter today under the caption "for dismissal". Even today, there is no representation on behalf of the appellant.

4. We are of the view that only in order to avoid the payment of interim maintenance, as ordered by the Family Court, the appellant is not before this Court. The lower Court has rightly dismissed the main application, as the interim maintenance is not paid. Even before this the conduct is such that. We are not inclined to pass any order in favour of the appellant by admitting the appeal. Under such circumstances, this Civil Miscellaneous Appeal is dismissed. No Costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To  
The Judge,  
The Family Court,  
Srivilliputtur,  
Virudhunagar District.

+ 1 cc TO Mr.G.Thalai Mutharasu , Advocate in SR No. 42956

gcg/ia  
AE/SV MMS/SAR4/20.02.2018/2P/3C

**ORDER MADE IN  
C.M.A. [MD].No.1253 of 2017  
19.01.2018**