



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2018

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A(MD) No.777 of 2018

S.S.Shermin Shankar

... Appellant/Petitioner

vs.

R.Jasmin Shiny

... Respondent/Respondent

Prayer: The appeal filed under Section 55 of the Divorce Act, to call for the records of the Order and decree passed in I.D.O.P.No.354 of 2015, dated 06.04.2017, on the file of the Learned District Judge, Kanniyakumari District at Nagercoil and set aside the same.

For Appellant

: Mr.K.Vamanan

For Respondent

: Mr.Niranjan S.Kumar

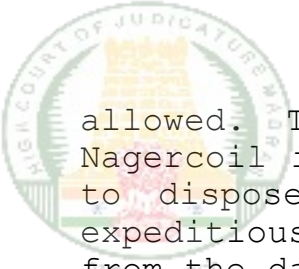
JUDGMENT

This Civil Miscellaneous Appeal has been filed by the appellant against the order of dismissal passed by the learned District Judge, Kanniyakumari District at Nagercoil in I.D.O.P.No.354 of 2015, dated 06.04.2017, for non-payment of interim maintenance ordered to be paid to the respondent and minor son.

2.The contention of the learned counsel appearing for the appellant that the appellant is getting only a sum of Rs.14,530/- per month as salary and he has produced the salary certificate before the Trial Court. The Trial Court directed the appellant to pay a sum of Rs.9,000/- per month towards interim maintenance to the respondent and her minor son. The appellant due to the circumstances beyond his control, could not pay the said amount. He further submitted that the appellant has filed C.R.P(MD)No.1074 of 2008 challenging the order directing him to pay interim maintenance and the same is pending. Today, the appellant brought the Demand Draft for a sum of Rs.1,70,000/- in favour of the respondent and contended that the appellant may be given an opportunity to put-forth his case, on merits, for divorce, against the respondent.

3. The learned counsel appearing for the respondent received the said Demand Draft.

4.Considering the above submissions of the learned counsel appearing for the appellant, in the interest of justice and to give an opportunity to the appellant, the Civil Miscellaneous Appeal is



allowed. The learned District Judge, Kanniyakumari District at Nagercoil is directed to take up I.D.O.P.No.354 of 2014 on file and to dispose the same on merits and in accordance with law, as expeditiously as possible, in any event, not later than six months from the date of receipt of a copy of this judgment. No costs.

WEB COPY

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS-II)

am
To

The District Judge,
Kanniyakumari District at Nagercoil.

+1cc to Mr.Niranjana S.Kumar, Advocate in SR No.83571
+1cc to Mr.K.Vamanan, Advocate in SR No.84298

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NM/RSK/SAR 2/03.10.18/2P/4C