

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2021

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

CMA.No.1775 of 2017 and CMP.No.9542/2017

P.Rajkumar ... Appellant/Petitioner

-vs-

Yoga @ Yogalakshmi ... Respondent/Respondent

Civil Miscellaneous Appeal filed against the order and decree passed by the learned Family Court Judge, Vellore, in I.A.No.671/2016 in F.C.O.P.No.482/2014 dated 20.01.2017.

For Appellant : Mr.M.Chandrasekaran

For Respondent : Ms.S.Valarmathi
for Ms.Thangavadhana Balakrishnan

JUDGMENT

(Judgment of the Court was pronounced by T.RAJA, J.)

The Civil Miscellaneous Appeal has been directed against the order and decree passed by the learned Judge, Family Court, Vellore, in I.A.No.671/2016 in F.C.O.P.No.482/2014, dated 20.01.2017, directing the appellant husband to pay a sum of Rs.10,000/- p.m. to the respondent wife as interim maintenance from the date of filing the petition and to pay a sum of Rs.25,000/- towards litigation expenses.

2. When the matter was taken up today, learned Counsel for the appellant husband submitted that this Court by a conditional order dated 21.06.2017 granted interim stay on condition that the appellant shall deposit 50% of the arrears amount of maintenance to the credit of FCOP.No.482/2014 on the file of the learned Family Court Judge, Vellore within a period of six weeks from the date of receipt of a copy of that order and shall also continue to deposit 50% monthly maintenance till the disposal of the present appeal. The said conditional order has been duly complied with by the appellant husband. Learned Counsel further submitted that although the FCOP.No.482/2014 was decreed on 12.04.2018, subsequently, the respondent Yoga @ Yogalakshmi has got remarried on 10.02.2019. Therefore, the learned Counsel prays for dismissal of the present Civil

Miscellaneous Appeal as nothing survives in the present appeal.

3. Learned Counsel for the respondent-wife also admitting the statement of the learned Counsel for the appellant submitted that the respondent has got remarried on 10.02.2019.

4. In view of the above, the Civil Miscellaneous Appeal fails and the same is accordingly dismissed. However, liberty is given to the respondent to withdraw the amount deposited by the appellant before the trial court by moving proper application for which the learned Counsel for the appellant has no objection. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

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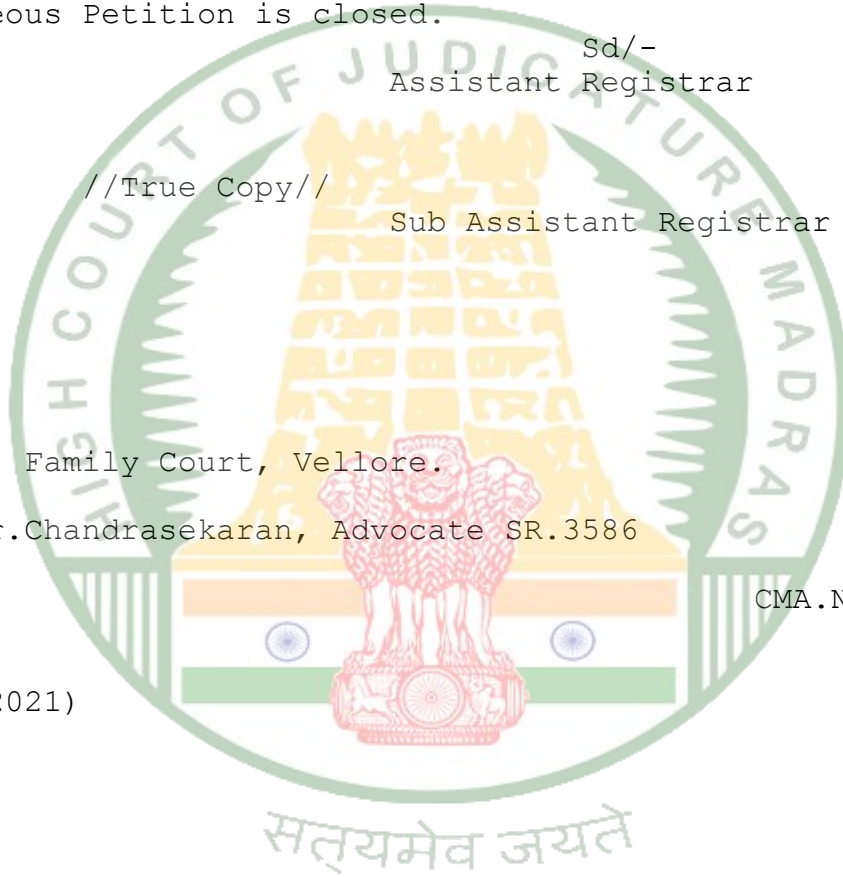
To

The Judge, Family Court, Vellore.

+1cc to Mr.Chandrasekaran, Advocate SR.3586

CMA.No.1775/2017

VG II(CO)
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