



WEB COPY

CMP(MD) No.2376 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Thursday, the Second day of September Two Thousand and Twenty One
PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN
and

The Hon`ble Mrs.Justice S.ANANTHI

CMP(MD) No.2376 of 2021

in

CMP(MD) No.5596 of 2020

in

CMA(MD) No.537 of 2020

GAYATHRI @ SHAKILA BANU ... PETITIONER/ RESPONDENT / RESPONDENT
IN CMP(MD) No.2376 of 2021

... RESPONDENT / RESPONDENT
IN CMP(MD) No.5596 of 2020

Vs

C.VINOD ... RESPONDENT/ PETITIONER / APPELLANT
IN CMP(MD) No.2376 of 2021

... PETITIONER / APPELLANT
IN CMP(MD) No.5596 of 2020

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to Vacate the Interim order granted in C.M.P.No.5596/2020 in CMA.No.537/2020 dated 01.12.2020 and dismiss the same with heavy costs.

Prayer in CMP(MD) No.5596/2020 :

To stay of all further proceedings in IA No.44 of 2019 in SMOP No.49 of 2019 dated 13.05.2020 on the file of the Family Court, Thanjavur pending disposal of the Civil Miscellaneous Appeal.

Prayer in CMA(MD) No.537/2020:

To set aside the fair and decretal order dated 13.05.2020 made in IA No.44 of 2019 in SMOP No.49 of 2019 on the file of Family Court, Thanjavur and allow this appeal.

ORDER :This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.J.JEYAKUMARAN, Advocate for the petitioner in CMP(MD) No.2376 of 2021 and for the respondent in CMP(MD) No.5596 of 2020 and of MR.ARUN JEYATRAM, Advocate for the respondent in CMP(MD) No.2376 of 2021 and for the petitioner in CMP(MD) No.5596 of 2020, the court made the following order:-



(Order of the Court was made by V.BHARATHIDASAN, J.)

Against the order of the Family Court, Thanjavur, dated 13.05.2020, passed in I.A.No.44 of 2019 in S.M.O.P.No.49 of 2019, granting interim maintenance at the rate of Rs.5,000/- to the respondent and Rs.7,000/- to the minor child, the appellant/husband has filed C.M.A.(MD) No.537 of 2020.

2.On a perusal of the materials produced, it is seen that the petitioner is doing business and the respondent and the minor child are living on the mercy of the respondent's parents and it is also seen that right from the date of filing of the petition for interim maintenance, not even single pie has been paid by the appellant.

3.Considering the above, it is not justified in granting interim stay and hence, C.M.P.(MD) No.2376 of 2021 stands allowed, vacating the interim stay already granted on 01.12.2020, and C.M.P.(MD) No.5596 of 2020 stands dismissed and the appellant is directed to deposit the entire arrears of maintenance before the Family Court, Thanjavur on or before 04.10.2021.

4.Post the appeal for further hearing on 05.10.2021.

sd/-
02/09/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDGE, FAMILY COURT,
THANJAVUR.

ORDER
IN
CMP(MD) No.2376 of 2021
in
CMP(MD) No.5596 of 2020
in
CMA(MD) No.537 of 2020
Date :02/09/2021

SJ
MK/PN/SAR.IV/08.09.2021/2P/2C