



C.M.A.No.2028 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

C.M.A.No.2028 of 2022

and

CMP.No.15537 of 2022

T.N.Shankar Vigranand

.. Appellant

Vs.

M.Sudha

.. Respondent

Prayer: This Civil Miscellaneous Appeal is filed under Section 19 of the Family Courts Act, 1984, against the order and decree dated 24.03.2022 made in I.A.No.1 of 2019 in H.M.O.P.No.1182 of 2019 on the file of the VII Additional Family Court, Chennai.

For Appellant : Mr.G.Mutharasu

For Respondent : Mr.S.Udhaya Kumar



J U D G M E N T

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(Judgment of the Court was delivered by V.M.VELUMANI, J.)

The appellant/husband filed H.M.O.P.No.1182 of 2019 under Section 13(1) (ib) and 13 (1) (ia) of the Hindu Marriage Act, on the file of the Family Court, Chennai, for dissolution of marriage solemnized between the appellant and respondent on 15.05.2015. The respondent/wife filed I.A.No.1 of 2019 in H.M.O.P.No.1182 of 2019 on the file of VII Additional Family Court, Chennai, for a direction to the appellant/husband to pay a sum of Rs.1,00,000/- per month as interim maintenance and a sum of Rs.1,00,000/- towards litigation expenses. The learned Judge, by order dated 24.03.2022 made in I.A.No.1 of 2019 in H.M.O.P.No.1182 of 2019, directed the appellant/husband to pay a sum of Rs.35,000/- per month towards interim maintenance from the date of the application viz., 23.10.2019 till the date of disposal of H.M.O.P. and also pay the cost of the interim petition towards litigation expenses. Challenging the said order and decree, the appellant/husband has come out with the present appeal.



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2. When the appeal is taken up for hearing today, both the appellant and respondent appeared before this Court. The appellant and learned counsel appearing for the appellant submitted that the appellant is ready to pay the interim maintenance at the rate of Rs.20,000/- per month till the disposal of the H.M.O.P. The respondent, without prejudice to her right to raise all the contentions in the H.M.O.P, accepted to receive Rs.20,000/- per month as interim maintenance. The learned counsel appearing for the appellant submitted that the appellant is ready with demand draft for Rs.20,000/- drawn in favour of the respondent and the respondent who is present before this Court received the same.

3. The learned counsel appearing for the both sides filed a Joint Memo of Compromise dated 27.09.2022, duly signed by both the appellant as well as respondent and their respective counsel. They further submitted that the respondent has already filed a counter statement in the H.M.O.P and hence, the trial Court may be directed to dispose of the H.M.O.P within a time frame to be stipulated by this Court.

4. In view of the above submissions, the appeal stands disposed of,



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directing the appellant to pay Rs.20,000/- per month towards interim maintenance as agreed by both appellant and respondent, pay the arrears if any within 4 weeks from the date of receipt of a copy of this order and continue to pay Rs.20,000/- every month till the disposal of H.M.O.P. The award of the Tribunal with respect to litigation expenses is confirmed. The learned VII Additional Principal Judge is directed to dispose of the H.M.O.P in 1182 of 2019, pending on his file, on merits and in accordance with law, within a period of eight months from the date of payment of arrears of maintenance by the appellant. Consequently, connected miscellaneous petition is closed. No costs.

(V.M.V., J.) (S.M., J.)
27.09.2022

Index : Yes / No
Internet : Yes / No
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To

1. The VII Additional Family Court,
Chennai.
2. The Section Officer,
VR Section,
High Court,
Madras.



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