



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

Wednesday, the Twenty Fourth day of August Two Thousand and  
Twenty Two

WEB COPY

PRESENT

**The Hon`ble Mr.Justice S.S.SUNDAR**  
**and**  
**The Hon`ble Mrs.Justice S.SRIMATHY**

C.M.P(MD)No.5359 of 2022  
in  
C.M.A(MD)No.537 of 2020

GAYATHRI ALIAS SHAKILABANU

... PETITIONER/ RESPONDENT /  
RESPONDENT

Vs

C.VINOD

... RESPONDENT/ APPELLANT/  
PETITIONER

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to permit the petitioner to withdraw the arrears of maintenance amount of Rs. 2,10,000/- deposited by the respondent in SMOP. No. 49/2019 on the file of the Honourable Family Court, Thanjavur, within a time frame fixed by this Honourable Court.

Prayer in CMA(MD). 537/ 2020 :

Pleased 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.

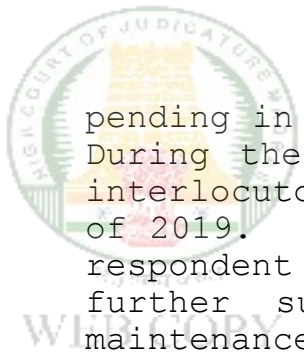
ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.J.JEYAKUMARAN, Advocate for the petitioner, the court made the following order:-

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

Heard Mr.J.Jeyakumaran, learned counsel for the petitioner.

2. Despite printing the name of the learned counsel for the respondent in the cause-list, there is no representation for the respondent. The appeal itself is preferred by the respondent.

3. The respondent/husband filed a divorce petition under Section 27(1)(d) of the Special Marriage Act, 1954, before the Principal District and Sessions Judge, Thanjavur and it is now



pending in S.M.O.P.No.49 of 2019 before the Family Court, Thanjavur. During the pendency of the proceedings, the petitioner filed an interlocutory application seeking interim maintenance in I.A.No.44 of 2019. The said application was allowed partly by directing the respondent to pay a sum of Rs.5,000/- for the petitioner and a further sum of Rs.7,000/- for the petitioner's son, towards maintenance. The Family Court has also held that the respondent is liable to pay a sum of Rs.10,000/- towards expenses. Aggrieved by the same, the above appeal is preferred by the appellant/husband.

4. During the pendency of the proceedings, this Court granted interim stay of operation of the order passed by the Family Court, Thanjavur, on condition that the petitioner should deposit the entire arrears of maintenance before the Family Court.

5. It is now stated by the learned counsel for the petitioner that the respondent/husband has deposited part of the arrears of maintenance before the Family Court. The present petition is filed to withdraw the sum deposited by the respondent to the credit of S.M.O.P.No.49 of 2019.

6. Having regard to the scope of the appeal and the fact that the respondent/husband is liable to pay maintenance charges to the petitioner and her son, this Court has no reason to reject the application unless the respondent points out any extreme circumstances.

7. Accordingly, this petition is ordered and the petitioner is permitted to withdraw the arrears amount which is lying in the credit of S.M.O.P.No.49 of 2019 on the file of the Family Court, Thanjavur.

sd/-

24/08/2022

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/09/2022

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

PM  
TO

THE JUDGE, FAMILY COURT, THANJAVUR.

+1. C.C. to M/S.J.JEYAKUMARAN Advocate SR.No.9056

ORDER IN  
C.M.P(MD)No.5359 of 2022  
in  
C.M.A(MD)No.537 of 2020  
Date :24/08/2022