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CMA No.647 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

CMA No.647 of 2023 and

CMP No.5391 of 2023

S.Ramkumar

... Appellant

Vs.

K.Rekha

... Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 19 of Family Courts Act to set aside the fair and decretal order passed by the learned III Additional Principal Judge, Family Court, Chennai in I.A.No.1 of 2022 in O.P.No.131 of 2021 dated 15.11.2022.

For Appellant : Mr.S.Parthasarathy

For Respondent : Ms.B.Poongulali



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J U D G M E N T

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(Judgment of the Court was delivered by D.KRISHNAKUMAR, J.)

Challenging the order passed by the learned III Additional Principal Judge, Family Court, Chennai in I.A.No.1 of 2022 in O.P.No.131 of 2021 dated 15.11.2022, this Civil Miscellaneous Appeal has been filed.

2. The appellant herein is the husband of the respondent herein and she filed a petition in O.P.No.131 of 2021 before the Family Court to dissolve the marriage between her and the appellant, which was solemnized on 26.02.2016. Pending petition, the respondent herein filed an application in I.A.No.1/2022 seeking interim maintenance and the learned Judge, vide order dated 15.11.2022, allowed the application in-part, directing the appellant to pay a sum of Rs.15,000/- per month to the respondents herein towards interim maintenance from the date of filing the application i.e. on 06.06.2022 till the disposal of O.P.No.131 of 2021 and also to pay a sum of Rs.50,000/- towards litigation expenses. The learned Judge, further directed the appellant herein to pay the arrears of maintenance and litigation



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expenses, within 2 months from the date of the order of the application. The above said order is impugned herein.

3. Today, when the matter is taken up for hearing, both the learned counsel to the parties appeared before the Court.

4. The learned counsel for the appellant submitted that, the appellant is ready and willing to pay a sum of Rs.10,000/- as interim maintenance to the respondent from the date of filing the above application i.e. on 06.06.2022 till today and also agreed to pay the interim maintenance of Rs.10,000/- on the 10th day of every English Calender Month, till the disposal of O.P.No.131 of 2021.

5. The learned counsel appearing for the respondent is also agreed to the above terms and he has not insisted to pay any litigation expenses.

6. Recording the submission made by the learned counsel for the appellant and the learned counsel for the respondent, it is ordered as



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follows.

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i) The appellant shall pay a sum of Rs.10,000/- towards interim maintenance to the respondent on or before 10th day of every English Calendar Month, till the disposal of O.P.No.131 of 2021, on the file of the III Additional Principal Family Court, Chennai.

ii) The appellant shall pay the arrears of maintenance at Rs.10,000/- per month from the date of filing the application before the family Court i.e. on 06.06.2022, till today, within a period of four weeks from today.

7. With the above direction, this Civil Miscellaneous Appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

8. Post the matter after four weeks for reporting compliance.

(D.K.K.J.)

(K.G.T.J.)

13.03.2023

mst

To

1. The III Additional Principal Judge,

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