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C.M.A.No.1290 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 26.06.2023**

CORAM

**THE HON'BLE MRS. JUSTICE J.NISHA BANU  
AND  
THE HON'BLE MR. JUSTICE D.BHARATHACHAKRAVARTHY**

**C.M.A.No.1290 of 2023  
and  
C.M.P.No.12889 of 2023**

S.Karthikprakash

... Appellant

Vs.

P.Karthika

... Respondent

Civil Miscellaneous Appeal filed under Section 19 of the Family Court Act r/w Section 28 of Hindu Marriage Act 1984 against the fair and decreetal order passed in I.A.No.3 of 2022 in F.C.O.P.No.318 of 2021 dated 04.03.2023 on the file of Family Court, Erode

For Appellant : Mr.Deepanuday

### **J U D G M E N T**

This Civil Miscellaneous Appeal is directed against the order dated 04.03.2023 in I.A.No.3 of 2022, in and by which, the interim



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maintenance of a sum of Rs.7,500/- per month is ordered to be paid by the appellant to the respondent.

2. Learned counsel for the appellant would submit that though the petitioner is a Siddha doctor, he is still preparing for P.G. examination. In such circumstances, he does not have any wherewithal to pay the maintenance.

3. We have considered the submission made by the learned counsel for the appellant and perused the material records of the case.

4. The said stand was taken in the last year in the counter filed in I.A.No.3 of 2022 and if still the petitioner is continuously preparing for P.G. examination, then it is his look out. Secondly, the trial court has also considered the said issue and considering the fact that the appellant had not denied the fact that he is running the Herbocare Hospital, the order of maintenance was passed. Though it is the submission of the learned counsel for the appellant that the said Hospital is run by one Selvaraj, still the appellant is a Siddha doctor and only the barest minimum sum of Rs.7,500/- was ordered as maintenance. In such circumstances, we find no merits in the Civil Miscellaneous Appeal. Accordingly, the Civil Miscellaneous Appeal is dismissed. However,



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there shall be a direction to the trial Court to take up the main Original Petition for disposal and dispose of the same at the earliest, in any event, not later than six months from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

**(J.N.B,J.) (D.B.C, J.)**

26.06.2023

Index : Yes / No

Internet : Yes

vsi

To

The Family Court, Erode



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**J. NISHA BANU, J.**  
**and**  
**D.BHARATHA CHAKRAVARTHY, J.**

vsi

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