



C.M.A.No.1189 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2023

CORAM

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

C.M.A.No.1189 of 2023

adn

C.M.P.No.11688 of 2023

K.Ramesh @ Rameshkumar

... Appellant

Vs.

Gomathi @ Mariyal

..Respondent

Civil Miscellaneous Appeal filed under Section 55 of the Indian Divorce Act r/w Section 19 of the Family Court Act, 1988 against the fair and final order of the Family Court, Erode in I.A.No.3 of 2022 in I.D.O.P.No.15 of 2018 dated 08.02.2023.

For Appellant : Mr.S.Kaithamalai Kumaran

J U D G M E N T

This Civil Miscellaneous Appeal is filed aggrieved by the order in I.A.No.3 of 2022 in I.D.O.P.No.15 of 2018, in and by which, the trial Court had awarded a sum of Rs.5000/- per month as interim



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maintenance, pending disposal of the main original petition.

2. Mr.S.Kaithamalai Kumaran, the learned counsel appearing on behalf of the appellant would submit that he is not aggrieved by the award of interim maintenance or its quantum thereof, but when the petitioner has filed the petition and taken more than one year to represent and number the petition, the trial Court ought to have awarded the interim maintenance only from the date of numbering of the petition and not from the date of filing of the petition.

3. We are afraid, we cannot agree with the learned counsel for the appellant on the said proposition. Once the petition is filed, the respondent will be entitled to interim maintenance from the date of filing of the petition. Once the delay in representation is found to be in order, then it cannot be said that the maintenance should be given only from the subsequent date. In any event, interim maintenance is a sum of Rs.5,000/- per month and there is no quarrel over the fact that the respondent is the wife of the petitioner and is entitled to interim maintenance, pending disposal of the Original Petition.



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4. For all the above reasons, the Civil Miscellaneous Appeal fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(J.N.B,J.) (D.B.C, J.)
09.06.2023

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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