



C.M.A.(MD) No.226 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2023

CORAM:

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

C.M.A.(MD) No.226 of 2023
and
C.M.P.(MD) No.2615 of 2013

Parthiban

... Appellant

-VS-

Subasri

... Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 19(1) of the Family Courts Act, 1984, to set aside the Judgment and Decree, dated 20.12.2022 made in I.A.No.77 of 2022 in H.M.O.P.No.261 of 2021, on the file of the Family Court, Pudukkottai.

For Appellant : Mr.K.C.Maniyarasu



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J U D G M E N T

**[Judgment of the Court was made by
The Hon'ble ACTING CHIEF JUSTICE]**

This civil miscellaneous appeal is directed against the fair and decreetal order dated 20.12.2022, passed in I.A.No.77 of 2022 in H.M.O.P.No. 261 of 2021, on the file of the Family Court, Pudukkottai, ordering the appellant to pay a sum of Rs.15,000/- to his wife / respondent as monthly maintenance.

2. Learned counsel for the appellant would submit that the appellant has filed H.M.O.P.No.261 of 2021, on the file of the Family Court, Pudukkottai, under Sections 13(1)(i-a) and 13(1)(i) of the Hindu Marriage Act, 1955, making serious allegations of adultery and cruelty against his wife / respondent herein. According to the learned counsel for the appellant, the impugned order directing the appellant to pay a sum of Rs.15,000/- towards monthly maintenance to his wife / respondent, against whom the appellant has made allegations of adultery and cruelty, is highly unsustainable and impermissible in law.



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3. We find no merit in the contentions put forth by the appellant as he has not substantiated his contentions with supportive documents. Therefore, without making any further observations as it would have ramification in the pending Hindu Marriage Original Petition, we hereby direct the Family Court, Pudukottai, to dispose of H.M.O.P.No.261 of 2021, within a period of three months from today.

4. With the above direction, the civil miscellaneous appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[T.R., A.C.J.] [D.K.K., J.]

02.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

- 1.The Judge,
Family Court,
Pudukkottai.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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T.RAJA, A.C.J.
and
D.KRISHNAKUMAR, J.

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