



C.M.A.(MD).No.958 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2023

CORAM:

**THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN
AND
THE HONOURABLE MR.JUSTICE P.B.BALAJI**

**CMA(MD) No.958 of 2023
and CMP(MD) No.13440 of 2023**

V.Krishnakumar

...appellant/
Petitioner

Vs.

P.R.Suganya

... Respondent/
respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 19 of the Family Courts Act against the fair and decreetal order dated 29.10.2022 in H.M.O.P.No.146 of 2020 on the file of the Family Judge, Kanyakumari at Nagercoil.

For Appellant : Mr.T.Selvakkumaran

For Respondents : Mr.M.R.Sreenivasan



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J U D G M E N T

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RMT.TEEKAA RAMAN, J.

This Civil Miscellaneous Appeal is directed against the fair and decreetal order dated 29.10.2022 made in H.M.O.P.No.146 of 2020 by the Family Judge, Kanyakumari at Nagercoil.

2.The appellant is the husband and the respondent is the wife. For the sake of convenience, the parties are referred to as 'husband' and 'wife'.

3.The husband filed H.M.O.P.No.146/2020 before the family Court for divorce under Section 9 of the Hindu Marriage Act. Pending this petition, the wife has filed I.A.No.03/2022 seeking maintenance for her two daughters at the rate of Rs.30,000/- each.

4.Before the family Court, neither the husband nor the wife has let in any oral or documentary evidence. Even the assets and liability statements have not been filed by both sides. Based on the oral



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submission made by the respective parties, the family Court has passed the award for grant of maintenance at Rs.15,000/- per month in toto for the two children. Aggrieved by the said order, the husband is before this Court with this appeal.

5.Heard the learned counsel for the appellant/husband and the learned counsel for the respondent/wife and perused the materials available on record.

6. After perusing the order and after hearing the rival submissions, we find that the wife is working as an officer in a bank. She has not preferred any application for interim maintenance for herself pending HMOP. It is also represented that HMOP No.84 of 2020 was filed by the wife seeking for divorce.

7. Hence, without going into the rival contentions and taking note of the respective income as submitted by the learned counsel for the parties, in the interest of justice,



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we modify the award passed by the family Court to the effect that the appellant is directed to pay Rs.12,000/- (Rupees twelve thousand only) per month to his two daughters till the disposal of the HMOP. The family Court, Kanyakumari at Nagercoil is directed to club the divorce petition stated to have been filed by the wife and the HMOP No.146/2020 and dispose of the same within a period of four months from the date of receipt of a copy of this judgment.

8. Pending HMOP, the appellant/husband is hereby directed to deposit the amount on or before the 7th of every English calendar month. On such deposit being made, the wife is permitted to withdraw the same and the statement made by the appellant that he has paid Rs.3,00,000/- is taken on record.

9. Accordingly, the civil miscellaneous appeal is allowed in part to the extent indicated above. No costs. Consequently connected



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Miscellaneous Petition is closed.

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(T.K.R.,J.) (P.B.B.,J.)
20.11.2023

NCC : Yes/No
Index : Yes/No
RR

To

1.The Family Judge, Kanyakumari at Nagercoil.

2.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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AND
P.B.BALAJI, J.

RR

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