



WEB COPY



C.M.A(MD)No.592 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.10.2023**

CORAM:

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

**C.M.A(MD)No.592 of 2023
and
C.M.P(MD)No.7683 of 2023**

S.Saravanan

...Appellant

.VS.

Vidhya

...Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act, 1984 to set aside the impugned fair and decretal order passed in I.A.No.5 of 2022 in H.M.O.P.No.413 of 2020 dated 27.03.2023 on the file of the Family Court, Tiruchirapalli.

For Appellant

:Miss.A.Afritha Fathima
for M/s.Ajmal Associates

For Respondent

:Mr.A.Mathavan



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JUDGMENT

[Judgment of the Court was made by **RMT.TEEKAA RAMAN.,J.**]

This Civil Miscellaneous Appeal is directed against fair and decreetal order passed in I.A.No.5 of 2022 in H.M.O.P.No.413 of 2020, dated 27.03.2023 on the file of the Family Court, Tiruchirapalli.

2. When the matter was came up for admission on 03.08.2023, this Court has granted an order of interim stay and directed the appellant to deposit the arrears of maintenance from October 2022 till date.

3. Today, when the matter is taken up for hearing, the learned counsel appearing for the appellant represented that pursuant to the order passed by this Court, dated 03.08.2023, arrears of maintenance has been paid and the memo has also been filed after serving the copy to the counsel for the respondent. The learned counsel for the appellant seeks permission of this court to not press



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the appeal and also seeks positive direction to the learned Family Court, Tiruchirapalli to dispose of I.A.No.5 of 2022 and H.M.O.P.No. 413 of 2020 in a time bound and she has also made an endorsement to that effect. She further submits that an interlocutory application filed by the husband for conducting DNA test of the child, is also pending.

4. The learned counsel appearing for the respondent / husband admitted the receipt of the maintenance amount.

5. Accordingly, this Civil Miscellaneous Appeal is dismissed as not pressed. The Family Judge, Tiruchirapalli is hereby directed to dispose of the Interlocutory Application seeking to conduct DNA test within a period of eight weeks from the date of receipt of a copy of this order. Thereafter, after receipt of the report of the DNA test, the Family Judge, Tiruchirapalli is required to dispose of H.M.O.P.No. 413 of 2020 in the least possible time. No costs. Consequently, connected miscellaneous petition is closed.



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6. The respondent/wife is permitted to withdraw the deposited amount after filing necessary undertaking.

[T.K.R.,J.] [P.B.B.,J.]
17.10.2023

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

To

The Family Court,
Tiruchirapalli.



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RMT.TEEKAA RAMAN,J.
AND
P.B.BALAJI,J.

am

JUDGMENT MADE IN
C.M.A(MD)No.592 of 2023

17.10.2023