



C.M.A.(MD)No.892 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.08.2023**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

C.M.A.(MD)No.892 of 2022
and
C.M.P.(MD)No.8586 of 2022 & 5184 of 2023

R.Mahesh

...Appellant

/Vs./

Selvi

...Respondent

PRAYER:- Appeal - filed under Section 19 of the Family Court Act, to set aside the fair and decretal order dated 21.06.2022 passed in I.A.No.3 of 2022 in HMOP No.104 of 2021 on the file of the Judge, Family Court of Tirunelveli by allowing the above appeal.

For Appellant : Mr.V.Sakthivel
For Respondent : Mr.T.Selvan
for Mr.V.Malaiyendran



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JUDGMENT

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(Judgment of the Court was made by **DR.ANITA SUMANTH, J.**)

The Civil Miscellaneous Appeal is listed under a special list today.

2. Read this order in conjunction with and in continuation of order dated 07.08.2023, which reads as follows:

“In light of the order dated 26.05.2023 dismissing HMOP No.104 of 2021 for default, prima facie nothing appears to survive in this matter.

*2. At request of the learned counsel for the petitioner to obtain instructions, list on **09.08.2023.**”*

3. Today, the learned counsel for the appellant confirms that there has been an order passed on 26.05.2023 dismissing HMOP No.104 of 2021 for default and that order has not been challenged further and as on date, that order has become final, though the party is contemplating seeking restoration.



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4. Be that as it may, when there is a dismissal of HMOP No. 104 of 2021, nothing survives in this civil miscellaneous appeal and the same is closed, recording the aforesaid position.

5. As regards maintenance, which was ordered in June, 2022 with effect from January, 2022, admittedly, there are arrears of maintenance amount for a sum of Rs.48,000/- as on date (total quantification of Rs.68,000/- less the sum of Rs.20,000/-, which was ordered to be paid by this Court on 19.01.2023, which has been complied).

6. Learned counsel for the appellant, on instructions, states that the amount will be settled in two installments of Rs.24,000/- each.

7. Considering the aforesaid submission, the arrears amount of Rs.48,000/- shall be settled in two installments of Rs.24,000/- each; the first installment be paid on 31.08.2023 and the second installment be



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paid on 31.09.2023. No costs. Consequently, connected Miscellaneous
Petitions are closed.

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**[A.S.M.J.] & [R.V.J.,]
09.08.2023**

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



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TO:

- 1.The Family Court, Tirunelveli.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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DR.ANITA SUMANTH, J.
AND
R.VIJAYAKUMAR, J.

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Judgment made in
C.M.A.(MD)No.892 of 2022

Dated:
09.08.2023