



CMP(MD) No.10204 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Monday, the Eighteenth day of December Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice RMT.TEEKAA RAMAN
and
The Hon`ble Mr.Justice P.B. BALAJI

CMP(MD) No.10204 of 2022
in
CMA(MD) No.921 of 2021

NITHYA

... PETITIONER/RESPONDENT

Vs

K. BABU

... RESPONDENT/APPELLANT

Civil Miscellaneous petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to permit the petitioner to withdraw the amount of Rs. 5,00,000/- deposited by the respondent as per order of this Honourable Court dated 05.01.2022 in CMA No. 921 of 2022 in H.M.O.P. No. 56 of 2019 on the file of Family Court, Thanjavur.

Prayer in CMA(MD). 921/ 2021 :

To set-aside the decree and judgment of the Family Court, Thanjavur in HMOP. NO. 56 of 2019 dated on 30.07.2021 and allow this appeal with cost.

ORDER : This Civil Miscellaneous petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.B. RAJESH SARAVANAN, Advocate for the petitioner and of Mr.A.SENTHILKUMAR, Advocate on behalf of the Respondent, the Court made the following order:-



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Appeal filed by the husband against the order of dismissal of the divorce petition, while restitution of conjugal rights as filed by the wife was allowed. It is represented that pending proceedings, the wife has filed an interlocutory application under Section 24 of the Hindu Marriages Act, for interim maintenance, wherein, Rs.25,000/- is awarded per month as interim maintenance and both the petitions were disposed of. Against the said orders, the present civil miscellaneous appeals were filed. Pending appeals, on 05.01.2022, this Court passed a conditional order directing the husband to deposit Rs.5,00,000/- and out of Rs.17,00,000/-, Rs.5,00,000/- is only deposited towards arrears of maintenance and the balance is yet to be deposited. This petition is filed to withdraw the said amount. This petition is allowed and the petitioner is permitted to withdraw Rs.5,00,000/- (Rupees five lakhs only). Accordingly, this petition is allowed.

Registry to list the matter on 10.01.2024.

sd/-
18/12/2023

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/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RR



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TO

THE JUDGE,
FAMILY COURT, THANJAVUR.

+1 CC to M/s.B.RAJESH SARAVANAN, Advocate (SR-17956[I] dated 19/12/2023)

+1 CC to M/s.S.JAYACHANDRAN, Advocate (SR-18027[I] dated 20/12/2023)

ORDER
IN
CMP(MD) No.10204 of 2022
in
CMA(MD) No.921 of 2021
Date :18/12/2023

SS/DD/SAR- /21/12/2023/3P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023