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C.M.A.No.2146 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2024

Coram

THE HON'BLE MR.JUSTICE **M.SUNDAR**
and
THE HON'BLE MRS. JUSTICE **K. GOVINDARAJAN THILAKAVADI**

C.M.A. No.2146 of 2019
and
C.M.P. No.8660 of 2019 in C.M.A. No.2146 of 2019

C.Soundararajan

.. Appellant

VS

1.M.Sivakumari
2.Janani Sowmiya (minor)
3.Sakthi Rithika (minor)

.. Respondents

(minor respondents 2 and 3 are
represented through their mother
and natural guardian/first respondent)

Appeal filed under Section 19 of The Family Courts Act, 1984
against the fair and decretal order dated 04.02.2019 in I.A.No.1126
of 2016 in F.C.O.P. No.2708 of 2015 on the file of the IV Additional
Family Court, Chennai.

For Appellant : Ms.D.Sujatha

For Respondents : No appearance



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JUDGMENT

[Judgment of the Court was delivered by M.SUNDAR, J.]

Captioned 'Civil Miscellaneous Appeal' [hereinafter 'CMA' for the sake of brevity] has been filed assailing an 'order of *pendente lite* maintenance/interim maintenance order' [hereinafter 'impugned order' for the sake of brevity, convenience and clarity] made under Section 24 of 'The Hindu Marriage Act, 1955 [25 of 1955]' {hereinafter 'HM Act' for the sake of brevity}.

2. This Court vide a detailed common judgment/order dated 21.03.2024 in ***S.Menaka v. K.S.K.Nepolian Socraties and other cases*** {Batch} reported in **2024:MHC:1405** {*Neutral Citation of Madras High Court*} and **2024 Live Law (Mad) 126** inter alia held that appeals against *pendente lite* maintenance/interim maintenance orders under Section 24 of HM Act are not maintainable but a revision under Article 227 of the Constitution of India would lie and preserved the rights of the appellants for preferring revision while giving closure to such CMAs.



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3. In the aforementioned scenario, without dilating further on maintainability, suffice to say that captioned CMA will also be governed by *S.Menaka v. K.S.K.Nepolian Socraties and other cases* {Batch} reported in **2024:MHC:1405** and **2024 Live Law (Mad) 126** i.e., there would be closure and preservation of rights as in *S.Menaka v. K.S.K.Nepolian Socraties and other cases* {Batch} reported in **2024:MHC:1405** and **2024 Live Law (Mad) 126**.

4. Ergo, the sequitur is captioned CMA is disposed of as not maintainable/closed albeit with preservation of rights in the aforementioned manner i.e., as in *Menaka Principle*.

5. As a further sequitur/consequence, captioned CMP is also disposed of as closed.

6. Though obvious, it is made clear that in this order, this Court has not expressed any view or opinion on merits qua captioned CMA.

7. If learned counsel on record for appellant in the captioned CMA requests for return of certified copy qua impugned order, the



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**M.SUNDAR, J.,
and
K. GOVINDARAJAN THILAKAVADI, J.,**

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same shall be returned forthwith to learned counsel on record for the appellant under due acknowledgment.

8. There shall be no order as to costs.

(M.S.,J.) (K.G.T.,J.)
26.03.2024

Index : Yes / No
Neutral Citation : Yes / No
mmi

To

The IV Additional Principal Judge,
Family Court, Chennai.

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