



C.M.A.No.1395 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2024

CORAM

**THE HONOURABLE MRS. JUSTICE J.NISHA BANU
AND
THE HONOURABLE MRS. JUSTICE R.KALAIMATHI**

C.M.A.No.1395 of 2023

S.Bhanukopan
S/o V.Shanmugaprabhakar

..Appellant

Vs.

G.Suganya,
W/o S.Bhanukopan

..Respondent

Prayer:

Civil Miscellaneous Appeal filed under Section 19 of Family Courts Act against the fair and decreetal order dated 11.10.2022 passed in I.A.No.3 of 2022 in O.P.No.2440 of 2019 on the file of VII Additional Family Court at Chennai.

For Appellant : Mr.D.Saikumarran

For Respondent : Mr.R.Balachandran

J U D G M E N T



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(The order of the Court was made by Mrs.J.Nisha Banu,J.)

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This Civil Miscellaneous Appeal has been filed by the appellant/husband challenging the fair and decreetal order dated 11.10.2022 passed in I.A.No.3 of 2022 in O.P.No.2440 of 2019 on the file of VII Additional Family Court at Chennai.

2. As per the judgment of ***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***, as against the interlocutory applications/ interim maintenance, only Civil Revision Petition under 227 of the Constitution of India, would lie and not Civil Miscellaneous Appeal.

3. Learned counsel for the appellant seeks permission of this Court to withdraw this appeal with liberty to file a civil revision petition. He has also made an endorsement to that effect in the case bundle.

4. In the light of the aforesaid judgment and in view of the endorsement made by the learned counsel for the appellant, this Civil



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Miscellaneous Appeal is dismissed as withdrawn. On filing of the CRP, for the purpose of limitation, the period spent in prosecuting the CMA shall be excluded.

5. If the learned counsel for the appellant requests for return of certified copy of the impugned order, the same shall be returned to him forthwith under due acknowledgement. No costs.

(J.N.B,J.) (R.K.M., J.)
20.08.2024

Index : Yes / No
Internet : Yes
vsi

To

VII Additional Family Court
at Chennai.

J. NISHA BANU, J.



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