



WEB COPY



C.M.A.No.2346 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2024

CORAM

THE HONOURABLE MRS. JUSTICE J.NISHA BANU
and
THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

C.M.A.No.2346 of 2024

N. Mukeshkumar ... Appellant

Vs.

S. Dhanya ... Respondent

Prayer: This Civil Miscellaneous Appeal is filed under Section 19 of Family Courts Act, 1984, against the fair and decreetal order dated 11.07.2023 made in H.M.O.P.No.268 of 2017 passed by the Additional Family Court, Coimbatore.

For Appellant : Mr.K.M.C.Arunmogan

For Respondent : Mr.N.Manoharan

- - - - -



C.M.A.No.2346 of 2024

WEB COPY

JUDGMENT

*(Judgment of the Court was delivered by **J. Nisha Banu, J**)*

The present Civil Miscellaneous Appeal has been filed against the judgment and decree dated 11.07.2023 dismissing H.M.O.P.No.268 of 2017 filed by the appellant/husband for divorce on the file of the Additional Family Court, Coimbatore.

2. On perusal of the records, it is seen that H.M.O.P.No.268 of 2017 was dismissed by the Trial Court for non-payment of arrears of maintenance payable by the appellant to the respondent.

3. Today when the matter is taken up for hearing, the learned counsel for the appellant would state that as per the calculation sheet submitted by the respondent on 07.11.2024, the total arrears of maintenance payable by the appellant/husband to the respondent wife as on 07.11.2024 is Rs.3,75,000/- (Rupees Three Lakhs and Seventy Five Only). He has also filed a Memo dated 21.11.2024 stating that the entire arrears of maintenance has been paid to the respondent/wife by way of Demand Draft No.451732 drawn in favour of the respondent/wife viz., S.Dhanya at the Federal Bank, Kuniyamuthur Branch. The learned counsel for the respondent has also confirmed the same. The Memo dated



C.M.A.No.2346 of 2024

21.11.2024 filed by the appellant is taken on record.

WEB COPY

4. It is also submitted by the learned counsel for the appellant that a sum of Rs.10,000/- towards litigation expenses payable by the appellant to the respondent is pending and the same will be paid next month along with the monthly maintenance. It is also agreed by the learned counsel for the respondent.

5. Considering the fact that the entire arrears of maintenance of Rs.3,75,000/- has been paid by the appellant/husband to the respondent/wife, the order passed by the Additional Family Court, Coimbatore, dated 11.07.2023 in H.M.O.P.No.268 of 2017 is hereby set aside and the matter is remitted back to the Court below for further adjudication. The learned Additional Judge, Family Court, Coimbatore, is directed to dispose of H.M.O.P.No.268 of 2017 within a period of six (6) months from the date of receipt of a copy of this order. Accordingly, this Civil Miscellaneous Appeal is disposed of. There shall be no order as to costs.

asi

(J.N.B, J.) (R.S.V., J.)
21.11.2024



WEB COPY



C.M.A.No.2346 of 2024

J. NISHA BANU, J.
and
R. SAKTHIVEL, J.

asi

To

The Additional Family Court,
Coimbatore.

C.M.A.No.2346 of 2024

21.11.2024