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C.M.A.No.2049 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2024

Coram

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

C.M.A. No.2049 of 2023
and
C.M.P. No.19904 of 2023 in C.M.A. No.2049 of 2023

Mattupalli Bhupesh Gupta .. Appellant

vs

1.Mattupalli Sowmya

2.Minor Mattupalli Sahasra Sai .. Respondents

Appeal filed under Section 19 of The Family Courts Act, 1984 to set aside the decretal order passed by the learned VI Additional Principal Family Court, Chennai in I.A.No.3 of 2021 in H.M.O.P.No.3571 of 2017 dated 15.04.2023 partly allowing the petition filed by the respondents for interim maintenance.

For Appellant : Mr.S.Selvaraj

For Respondents : Mr.V.Murali
along with Mr.R.S.Selvam

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



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'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.

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



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aforementioned manner i.e., as in *Menaka Principle*.

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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 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.)
27.03.2024

Index : Yes / No
Neutral Citation : Yes / No
gpa

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

gpa

To

1. VI Additional Principal Family Court
Chennai
2. The Section Officer
V.R. Section, High Court,
Madras.
3. The Section Officer
E.R. Section
High Court,
Madras.

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