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C.M.A.No.2298 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2024

CORAM

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

C.M.A.No.2298 of 2022
and
C.M.P.No.17727 of 2022 in C.M.A.No.2298 of 2022

Manoj Kumar Goyal

.. Appellant

Vs

1.Shilpa
2.Senha (minor)
3.Rahul (minor)

.. Respondents

Civil Miscellaneous Appeal is preferred under Section 19 of the Family Courts Act, 1984 seeking to aside the order and decretal order of VII Additional Judge, Family Court, Chennai dated 22.03.2022 made in I.A.No.2068 of 2017 in O.P.No.2617 of 2012.

For Appellant : Mr.P.Willson
for M/s.A.S.Kailasam and Associates

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JUDGMENT

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

Captioned main Civil Miscellaneous Appeal has been filed assailing an order dated 22.03.2022 made in I.A.No.2068 of 2017 in O.P.No.2617 of 2012 on the file of VII Additional Family Court at Chennai. This 'order dated 22.03.2022' shall be referred to as 'impugned order' and 'VII Additional Family Court, Chennai' shall be referred to as 'said Family Court' both for the sake of convenience and clarity.

2 This Court vide order dated 21.03.2024 (today) made in **S.Menaka Vs. K.S.K.Nepolian Socraties** (maintainability batch cases) reported in Neutral Citation **2024:MHC:1405** has inter-alia held that orders made in applications under Section 24 of the 'Hindu Marriage Act, 1955 (Act 25 of 1955)' (hereinafter 'HM Act' for the sake of brevity) are interlocutory orders and appeals against the same are not maintainable. To be noted, aforesaid I.A.No.2068 of 2017 is an application under Section 24 of HM Act filed by the wife seeking *pendente lite* maintenance for herself and two minor

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children and impugned order has been made by said Family Court in this application.

3 Assailing the impugned order, husband has preferred captioned appeal, i.e., C.M.A.No.2298 of 2022 and has taken out C.M.P.No.17727 of 2022 thereat with a prayer for interim stay of operation of impugned order.

4 In aforementioned *S.Menaka's* maintainability batch case reported in Neutral Citation 2024:MHC:1405, this Court has preserved all the rights and contentions of appellants in such matters for filing revision under Article 227 of the Constitution of India.

5 Be that as it may, without dilating further on *S.Menaka's* case and the captioned matter, suffice to say that captioned CMA and captioned CMP thereat will now stand governed by *S.Menaka's* maintainability batch order dated 21.03.2024 reported in Neutral Citation 2024:MHC:1405.

6 In the light of the narrative thus far, Mr.P.Willson of M/s.A.S.Kailasam and Associates (Law Firm) being Law firm on record for appellant husband, who is also petitioner in captioned CMP has made



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endorsements in the case file and scanned reproduction of these
endorsements are as follows:

C.M.A. No.2298 of 2022:

Permit to Withdraw -
the CMA No 2298/2022 .
P. J. [Signature]
(P. Willson)
21/3/2024
counsel for Petitioner
MS No. 2846/2018

C.M.P.No.17727 of 2022 :

Permit to Withdraw
CMA No 2298/2022
along with CMP 17727/
2022.
P. J. [Signature]
(P. Willson)
counsel for Petitioner
MS No. 2846/2018
21/3/2024.

7 In the light of the narrative thus far, captioned CMA being



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C.M.A.No.2298 of 2022 and CMP thereat are disposed of as withdrawn / closed albeit preserving all the rights and contentions of appellant husband in the manner set out in *S.Menaka's* maintainability batch case. There shall be no order as to costs.

8 Mr.P.Willson, learned counsel requested for a direction to the Registry to return certified copy / copies qua impugned order for the purpose of preferring a revision under Article 227 of the Constitution of India. This request is acceded to. Registry is directed to return certified copy / copies qua impugned order forthwith to counsel on record for appellant under due acknowledgment.

9 To be noted, captioned CMA and CMP were listed today together with C.M.A.Nos.2268 and 2269 of 2022 preferred by the same appellant against dismissal of counter claim made by appellant husband and granting decree of divorce in a petition filed by respondent wife. As *S.Menaka's* order does not impact the maintainability of the other two matters, CMA's being C.M.A.Nos.2268 and 2269 of 2022 and CMPs thereat



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are detagged and those two CMAs are being dealt with separately by way of a separate order / proceedings made today.

(M.S.,J.)

(K.G.T.,J.)

21.03.2024

Index : Yes / No

Neutral Citation : Yes / No

Speaking / Non-speaking order

vvk

P.S.I :Upload forthwith.

P.S.II: All concerned to act forthwith on the uploaded soft copy of this proceedings as uploaded in the official website of this Court. To be noted, the soft copies uploaded in the official website of this Court are water marked, besides being QR Coded.

To

- 1.VII Additional Family Court,
Chennai.
- 2.The Section Officer,
V.R. Section, High Court, Madras.



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

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