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C.M.A.No.2022 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN

THILAKAVADI

C.M.A.No.2022 of 2023

and

C.M.P.No.19601 of 2023

in

C.M.A.No.2022 of 2023

L.Madhan Mohan
S/o. (Late) Logaiya

... Appellant

Vs.

K.Priya
W/o.L.Madhan Mohan

.. Respondent

Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act, 1984, praying to set aside the Fair and Decreetal order dated 03.01.2023 in respect of granting permanent maintenance to the respondent in I.A.No.2 of 2022 in H.M.O.P.No.1352 of 2018 on the file of the Additional Principal Family Court, Coimbatore by allowing this Civil Miscellaneous Appeal.

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For Appellant : Mr.M.Mohamed Riyaz
For Respondent : Ms.S.Pooja Shree
M/s.A.Parthasarathy and Associates (Law Firm)

J U D G M E N T

[Judgment of the Court was made by

K.GOVINDARAJAN THILAKAVADI, 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



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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.

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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

Speaking / Non-speaking

Neutral Citation : Yes / No

mk

P.S. I: *Upload forthwith*

P.S.II : *All concerned including the Registry of Madras High Court 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. The Additional Principal Judge,
Additional Principal Family Court,
Coimbatore.
2. The Section Officer
V.R. Section, High Court, Madras.
3. The Section Officer
E.R. Section, High Court, Madras.

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

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