



C.M.A.No.2557 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2024

Coram

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

C.M.A. No.2557 of 2022
and
C.M.P. No.19850 of 2022 in C.M.A. No.2557 of 2022

R.Vijaya Senthil Kumari .. Appellant

VS

R.Mohana Shiva Kaviraja .. Respondent

Appeal filed under Section 19 of The Family Courts Act, 1984 praying enhancement of the interim maintenance granted in the fair and decretal order dated 21.07.2022 made in I.A. No.696 of 2016 in H.M.O.P. No.1483 of 2015 on the file of the Principal Family Judge, Coimbatore.

For Appellant : Mr.N.Ponraj

For Respondent : Mr.S.Arjun

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



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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 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**.



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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.

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.)
26.03.2024

Index : Yes / No
Neutral Citation : Yes / No
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**M.SUNDAR, J.,
and
K. GOVINDARAJAN THILAKAVADI, J.,**

mmi

To

The Principal Family Court,
Coimbatore.

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