



WEB COPY



CMP No. 24894 of 2024
in C.M.A.No.842 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-12-2024

CORAM

THE HONOURABLE MRS JUSTICE J. NISHA BANU

AND

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

CMP No. 24894 of 2024 in C.M.A.No.842 of 2020

RAMASAMY

S/o. Perumal, No.05, Kamaraj Nagar,
Dr.Radhakrishnan Nagar, Ariyankuppam,
Puducherry

..Petitioner/Appellant

Vs

1. R.Gangadevi

W/o. Ramasamy,

2. R.Indhumathi,

D/o Ramasamy and 2 Others

..Respondents/Respondents

For Appellant(s): Mr.P. Sudagar

For Respondent(s): Mrs.P.V.Rajeswari

ORDER

This Civil Miscellaneous Petition has been filed to condone the delay of 47 days in filing the petition to restore the above C.M.A.No.842 of 2020.

2. C.M.A.No.842 was filed against the I.A.No.490/2010 in O.S.No.6/2010 challenging the order dated 02.07.2019 passed by the Family Court, Pondicherry, by which, the appellant was directed to pay a sum of Rs.6,000/- per month to the wife/1st respondent towards interim



maintenance from the date of the application i.e., 30.07.2010 till the disposal of the suit in O.S.No.6/2010. The petitioner/appellant was further directed to pay Rs.3,000/- to his daughter/ 2nd respondent herein from the date of the petition till her marriage and also to pay Rs.10,000/- for litigation expenses of the respondents.

3. The appellant, without paying the maintenance has filed the above appeal and the appeal was dismissed for non-prosecution on 08.08.2024.

4. Learned counsel for the respondents would state that the arrears of maintenance to be paid by the petitioner is more than Rs.9 lakhs.

5. The arrears of maintenance amount is very huge amount. Further, even on merits, there is no case for the petitioner. As per the decision of the Hon'ble Supreme Court reported in *Kaushalya v. Mukesh Jain*, (2020) 17 SCC 822 and *AIR 2021 SC 569 (Rajnish vs. Neha)*, if there was non-payment of interim maintenance, the defence of the petitioner/appellant is liable to be struck off.

6. Considering the fact that the arrears of maintenance amount is very



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huge and also in the light of the aforesaid decisions of the Honb'le Apex Court, we are not inclined to entertain this petition, filed to condone the delay in filing the petition to restore the appeal. Hence, this Petition stands dismissed.

(J.N.B.,J.) (R.S.V.,J.)
19-12-2024

vsi



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and
R.SAKTHIVEL,J.

vsi

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