



WEB COPY



C.M.A.No.224 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2024

CORAM

**THE HONOURABLE MRS. JUSTICE J.NISHA BANU
AND
THE HONOURABLE MRS. JUSTICE R.KALAIMATHI**

**C.M.A.No.224 of 2020
and
C.M.P.No.1702 of 2020**

A.Prabha
W/o.A.Parselvan

..Appellant

Vs.

A.Parselvan
S/o N.Aravazhi

..Respondent

Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act, 1984, against the order and decretal order dated 28.08.2019 passed in I.A.No.924/2016 in O.P.No.1396 of 2015 on the file of the 1st Additional Family Court at Chennai dismissing the petition filed by the appellant under Section 24 of Hindu Marriage Act, seeking for interim maintenance.



C.M.A.No.224 of 2020

For Appellant : Mr.J.Saravanel

WEB COPY

J U D G M E N T

(The Judgment of the Court was delivered by J.Nisha Banu,J.)

This Civil Miscellaneous Appeal has been filed against the order dated 28.08.2019 passed in I.A.No.924/2016 in O.P.No.1396 of 2015 on the file of the 1st Additional Family Court at Chennai. The said Interlocutory Application has been filed by the respondent herein under Section 36 of the Indian Divorce Act, 1869, seeking monthly interim maintenance.

2. As per Section 19 of the Family Courts Act, an appeal against the interlocutory application will not lie and an appeal will lie only as against the judgment or order of the Family Court. Further, in the case of ***G.V.N.S.Siva Prasad vs. V.Jyostna Devi*** made in ***C.M.A.No.1018 of 2022 dated 27.03.2024***, the Division Bench of this Court, after referring to the judgment of ***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*** held that as against the interlocutory applications/ interim maintenance, only Civil Revision Petition under 227 of the Constitution of India, would lie and not Civil



C.M.A.No.224 of 2020

Miscellaneous Appeal.

WEB COPY

3. In view of the said judgments, the Civil Miscellaneous Appeal is dismissed as not maintainable. On filing of the CRP, for the purpose of limitation, the period spent in prosecuting the CMA shall be excluded. No costs. Consequently, connected miscellaneous petition is closed.

4. If the learned counsel for the appellant requests for return of certified copy of the impugned order, the same shall be returned to him forthwith under due acknowledgement.

(J.N.B,J.) (R.K.M., J.)
23.08.2024

Index : Yes / No
Internet : Yes
sk

To

The 1st Additional Family Court,
Chennai

J. NISHA BANU, J.



WEB COPY



C.M.A.No.224 of 2020

and
R.KALAIMATHI,J.

sk

C.M.A.No.224 of 2020

23.08.2024