



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A.No.473 of 2024

&

C.M.P.No.4836 of 2024

in

C.M.A.No.473 of 2024

Senthilkumar

... Appellant

Vs.

Kanjana Devi @ Thulasimani

.. Respondent

Civil Miscellaneous Appeal filed under Section 19 of Family Court Act, 1955 to set aside the order dated 19.10.2022 passed in I.A.No.1010 of 2018 in F.C.O.P.No.339 of 2018, on the file of the learned Judge, Family Court, Erode.

For Appellant : Mr.M.Vijaya Ragavan

For Respondent : Mr.M.Guruprasad



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J U D G M E N T

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

Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 01.03.2024, which reads as follows:

'C.M.A.No.473 of 2024

&

C.M.P.No.4836 of 2024

in

C.M.A.No.473 of 2024

M.SUNDAR,J.,

and

K.GOVINDARAJAN THILAKAVADI, J.,

(Order of the Court was made by M.SUNDAR, J.)

Captioned 'Civil Miscellaneous Appeal' ['CMA' for the sake of brevity] has been filed assailing an order made by the Family Court, Erode (Erode District) in I.A.No.1010 of 2018 in F.C.O.P.No.339 of 2018 which is an order of pendente lite maintenance under Section 24 of 'Hindu Marriage Act, 1955 (25 of 1955)' [hereinafter 'HM Act' for the sake of convenience]. Maintainability of such appeals is being tested, orders have been reserved and therefore, outcome of the same has to be awaited.

2. List this matter in the Admission Board i.e., Motion List under the cause list caption 'ADJOURNED ADMISSION' after a fortnight.

3. List on 21.03.2024.



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(M.S.J.) (K.G.T.J.)
01.03.2024

2. Today in the maintainability batch i.e., C.M.P.No.18729 of 2023 in C.M.A.No.1914 of 2021 etc., batch [***S.Menaka Vs. K.S.K.Nepolian Socraties*** Neutral Citation : **2024:MHC:1405**] orders have been pronounced. Captioned CMA will also be governed by the same order dated 21.03.2024 in ***S.Menaka's*** case.

3. Therefore, captioned CMA is dismissed as not maintainable but with preservation of rights as set out in 21.03.2024 order in ***S.Menaka's*** case and we make it clear that we have not expressed any opinion or view on the merits of the matter.

4. Mr.M.Vijaya Ragavan, learned counsel on record for the appellant in CMA and petitioner in captioned CMP requested for return of the certified copy of the impugned order against which captioned appeal has been preferred and learned counsel submitted that this is for the purpose of filing revision under Article 227 of the Constitution of India. Request of learned counsel is acceded to.



4. Registry is directed to return the certified copy / certified copies qua impugned order forthwith to the counsel on record for the appellant under due acknowledgment to enable the counsel to file CRP.

There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(M.S.,J.)

(K.G.T.,J.)

21.03.2024

Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

gpa

P.S. I: *Upload forthwith*

P.S.II : *All concerned including the Registry, High Court, Madras, 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

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1. The Family Court, Erode
2. The Section Officer
V.R.Section
High Court, Madras.



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

gpa

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