



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.599 of 2024

1. Mrs.Manjula

2. M.Magathi

3. M.Harshavardhini

... Appellants

Vs.

Mr.R.Mgesh

.. Respondent

Civil Miscellaneous Appeal filed under Section 19 of Family Court Act, 1955 to set aside the fair and decretal order dated 07.11.2023 passed in F.C.I.A.No.6 of 2023 in F.C.O.P.No.129 of 2022 passed by Family Court, Chengalpet awarding an amount of Rs.15,000/- per month as interim maintenance from the date of petition and for enhancement of Rs.45,000/- by allowing the appeal.

For Appellants : Mr.S.N.Parthasarathi

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JUDGMENT

[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 14.03.2024, which reads as follows:

'C.M.A.No.599 of 2024

M.SUNDAR, J.,

and

K.GOVINDARAJAN THILAKAVADI, J.,

[Order of this Court was made by

M.SUNDAR,J]

Captioned CMA is directed against an order of pendente lite maintenance in a petition under Section 24 of 'the Hindu Marriage Act, 1955 (25 of 1955)' [hereinafter 'HM Act' for the sake of convenience and clarity]. Maintainability of such appeals is being tested by this Bench in a batch of matters and the captioned matter has to await the outcome of the same. Therefore, captioned matter is re-notified.

2. List one week hence in the Admission Board i.e., Motion List under the same cause list caption i.e., 'FOR ADMISSION'.



List on 21.03.2024.'

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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. 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. There shall be no order as to costs.

(M.S.,J.)

(K.G.T.,J.)

21.03.2024

Index : No

Non-speaking

Neutral Citation : 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.*

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



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

gpa

C.M.A.No.599 of 2024

21.03.2024

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