



S.A.(MD).Nos.324 of 2008

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2024

CORAM:

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

S.A.(MD).No.324 of 2008

and

M.P.(MD)No.1 of 2008

R.Somu

... Appellant

/Vs./

Meena @ Meenakshi

...Respondent

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code, against the Judgment and Decree dated 19.11.2007 passed in A.S.No.44 of 2007 on the file of Subordinate Court, Pattukkottai, modifying the Judgment and Decree dated 13.03.2007 passed in O.S.No.134 of 2004 on the file of District Munsif cum Judicial Magistrate, Orathanadu.

For Appellant : Mr.V.Muthu Kamatchi

For Respondent : Mr.R.Narayanan



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JUDGMENT

The suit is filed by the plaintiff/respondent seeking maintenance from the defendant /appellant and the same was allowed directing the defendant to pay Rs. 1,200/- monthly. Aggrieved over the same, an appeal was preferred and the same was allowed/modified directing the defendant to pay Rs.1,000/- monthly. Aggrieved over the same, the present second appeal is preferred.

2. The plaintiff/ respondent is the daughter and the defendant appellant is the father. The daughter had sought maintenance until her marriage and the same was allowed. The maintenance was ordered in the year 1996 and the plaintiff was married in the year 2016.

3. The contention of the appellant that he had paid the maintenance as per the modified decree in the appeal suit and had furnished calculation sheet and the same is extracted hereunder:



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1.	Total maintenance amount at the rate of Rs.1000/- per month from as per order in A.S.No.44/2007 on the file of the Sub-Court Pattukkottai	01.12.2007 to 11.04.2016	-	Rs.1,08,000.00
	Amount paid by the Appellant from the date of order			
2.	As per order of DMC, Orathanadu and Tahsildar Tanjore (Na.Ka.12540 of 2004) (Rs.1250+Rs.1250+Rs.5060+Rs.5060)	25.02.2004	-	Rs.12,620.00
3.	Amount received by mother of the respondent		-	Rs.32,600.00
4.	Amount paid vide order Na.Ka.12540 of 2004 Tahsildar, Tanjore.		-	Rs.15,000.00
5.	Amount deposited in Bank as per direction in M.P. (MD)No.1 of 2008 in S.A.No.324 of 2002		-	Rs.10,500.00
6.	Withdrawal amount from Central Co-operative Bank, Tanjore.	17.06.1996	-	Rs.39,593.00
	Total		-	Rs.1,10,313.00

As per the above calculation the appellant had paid Rs.1,10,313/- (Rs.12,620 + Rs. 32,600 + Rs.15,000 + Rs.10,500 + Rs.39,593). Therefore, the appellant is bound to pay as per the impugned judgment is from 2004 to 2016 which amounts to



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1,44,000/- and based on the records the appellant had paid Rs.1,08,000/-. Now the amount payable is Rs.36,000/-.

4. The contention of the appellant is that since he is retired from service and getting meagre pension amount. The pension amount is not sufficient for his medical expenses. Further the respondent is married. Therefore, the appellant prayed to waive the balance amount.

5. After considering the submission this Court is of the considered opinion that the appellant shall pay Rs.25,000/- as full satisfaction and the same shall be paid in two equal instalments. The 1st instalment is payable on or before 05.12.2024 and the second instalment is payable on or before 05.01.2025. If there is any default, the respondent herein is at liberty to mention before this Court.

6. With the above said directions, the second appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

29.10.2024

Index : Yes / No

NCC : Yes / No

Tmg

Note: Issue order copy on 26.11.2024.



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TO:

- 1.Subordinate Court, Pattukkottai.
2. District Munsif cum Judicial Magistrate,
Orathanadu.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

Tmg

Judgment made in
S.A.(MD).No.324 of 2008

Dated:
29.10.2024