



C.M.A(MD)No.956 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **05.08.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**
AND
THE HONOURABLE MR.JUSTICE **K.K.RAMAKRISHNAN**

C.M.A(MD)No.956 of 2024
and
C.M.P(MD)No.10085 of 2024

D.K.Sanjay Salaji

... Appellant

Vs.

T.Radha

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 19 of the Family Court Act, 1984 to set aside the Fair and Decreetal Order dated 15.09.2022 in I.A.No.01 of 2021 in H.M.O.P.No.75 of 2020 on the file of the Family Court, Kanyakumari District at Nagercoil.

For Appellant : Mr.G.Prabhu Rajadurai

For Respondent : Mr.S.Ramasamy



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JUDGMENT

(Judgment of the Court was delivered by **P.VELMURUGAN, J**)

The appellant is the husband and the respondent is the wife. The appellant filed the petition in H.M.O.P.No.75 of 2020 on the file of the Family Court, Kanyakumari at Nagercoil, seeking divorce. The respondent filed the petition in H.M.O.P.No.73 of 2020 for restitution of conjugal rights and the same are pending. While so, the respondent filed an interlocutory application under Section 24 of the Hindu Marriage Act in I.A.No.1 of 2021 in H.M.O.P.No.75 of 2020 seeking a direction to the appellant to pay Rs.30,000/- per month as interim alimony for her and her child and Rs.50,000/- towards litigation expenses. The learned Judge, Family Court, ordered a sum of Rs.4,000/- each per month as monthly maintenance for the wife and child. Apart from that, a sum of Rs. 10,000/- was granted as litigation expenses. As against which, the appellant has filed the present appeal.



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2. Admittedly, the appellant filed the petition in H.M.O.P.No.75 of 2020 on the file of the Family Court, Kanyakumari District at Nagercoil. Pending disposal of the petition, the respondent filed the application under Section 24 of the Hindu Marriage Act. Admittedly, they have not denied the marriage and relationship and also paternity of the child. Therefore, considering the facts and circumstances of the case, the learned Judge, Family Court, only ordered Rs.4,000/- each for the wife and child. Though the appellant filed the present appeal challenging the above said order raising so many grounds, under Section 19(1) of the Family Courts Act, no appeal is maintainable against the interlocutory order. Being the order passed under Section 24 of the Hindu Marriage Act itself is an interlocutory order under the Family Court Act, no appeal would lie.

3. Therefore, this Civil Miscellaneous Appeal is dismissed at the admission stage itself. No costs. Consequently, connected miscellaneous petition is closed.

[P.V.,J.] [K.K.R.K.,J.]
05.08.2024

skn
NCC : Yes/No
Index : Yes / No
Internet : Yes

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To

1.The Family Court, Kanyakumari at Nagercoil.

2.The Section Officer,

V.R.Section,

Madurai Bench of Madras High Court,
Madurai.



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