



C.M.A.(MD)No.266 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :29.08.2024

CORAM

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

C.M.A.(MD)No.266 of 2019
and CMP(MD)No.3710 of 2019

G.Balakrishnan

...Appellant

Vs.

K.M.Gomathi

... Respondent

Prayer: Civil Miscellaneous Appeal filed under Article 227 of the Constitution of India, praying to set aside the order dated 09.11.2018 in I.A.No.619 of 2018 in HMOP.No.28/2018 on the file of the Family Court,Tirunelveli.

For Appellant : Mr.T.Lenin Kumar

For Respondent : Mr.S.Bharathy Kannan



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JUDGMENT

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

This appeal is arising out of the interim order passed by the Family Court, Tirunelveli, in I.A.No.619 of 2018 in HMOP.No.28 of 2018.

2.It is represented that pending HMOP, the respondent/wife filed the above interlocutory application before the Family Court for interim alimony till the disposal of the HMOP.No.28 of 2018, which is filed for divorce by the appellant/husband.

3. Considering the facts and circumstances of the case, the Family Court allowed the said interlocutory application partly and awarded a sum of Rs.4,000/- each, to the respondent/wife and two children, totally a sum of Rs.12,000/- per month, and also ordered to pay Rs.5,000/- as litigation charges. Challenging the same, the appellant is before this Court.



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4. Today, when the matter is taken up for hearing, the learned counsel for the appellant would submit that pending this Civil Miscellaneous Appeal, HMOP.No.28 of 2018 itself is disposed of by the Family Court.

5. Since the main HMOP itself is disposed of on merits, nothing survives in this appeal for further adjudication. Hence, this Civil Miscellaneous Appeal is disposed of. No Costs. Consequently, connected miscellaneous petition is closed. However, in case, if the appellant has not paid any amount and if there is any arrears, the respondent/wife is at liberty to work out her remedy in the manner known to law.

(P.V., J.) (K.K.R.K., J.)
29.08.2024

NCC:Yes/No

Index:Yes/No

PJL

To

1.The Judge, Family Court, Tirunelveli.

2.The Section Officer, Vernacular Records Section,
Madurai Bench of Madras High Court, Madurai.



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