



C.M.A.(MD)No.378 of 2019

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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.378 of 2019
and CMP(MD)No.4622of 2019

Ganesan

...Appellant

Vs.

Kaliyammal

... Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act, praying to set aside the fair and decreetal order dated 27.03.2019 in I.A.No.587 of 2018 in HMOP.No.139 of 2017 on the file of the Family Court, Dindigul.

For Appellant : Ms.A.Arul Jenifer

For Respondent : Mr.S.Sarvagan Prabhu



C.M.A.(MD)No.378 of 2019

WEB COPY

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, Dindigul, in I.A.No.587 of 2018 in HMOP.No.139 of 2017.

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.139 of 2017, which is filed for divorce by the appellant/husband.

3. Considering the facts and circumstances of the case, the Family Court awarded a sum of Rs.5,000/- per month to be paid as interim maintenance to the respondent/wife. Challenging the same, the appellant is before this Court.

4. Today, when the matter is taken up for hearing, the learned counsel for the respondent/wife would submit that pending this Civil Miscellaneous Appeal, the petitioner/husband got exparte decree in



C.M.A.(MD)No.378 of 2019

HMOP.No.139 of 2017 before the Family Court and the HMOP is disposed of in favour of the petitioner/husband.

5. Since the main HMOP itself is disposed of, 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 adverse order passed in the HMOP, 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, Dindigul.

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



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C.M.A.(MD)No.378 of 2019

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