



C.M.S.A(MD)No.9 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.03.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.S.A(MD)No. 9 of 2022

and

C.M.P(MD)No. 3571 of 2022

G.Bharathi

...

Appellant

Vs.

A.Santhiya

...

Respondent

PRAYER: Civil Miscellaneous Second Appeal is filed under Section 28 of Hindu Marriage Act, 1955, to set aside the Judgment and decree passed in H.M.C.M.A.No.25 of 2020 on the file of the IV Additional District Court, Madurai, dated 10.01.2022 confirming the Fair and Decreetal order passed in H.M.O.P.No.50 of 2013 dated 26.07.2017 on the file of the III Additional Sub Court, Madurai.

For Appellant : M/s.K.Muthu Ganesa Pandian

For Respondent : Mr.L.Prabhu

JUDGEMENT

The Appellant/Husband has preferred this Civil Miscellaneous Second Appeal to set aside the Judgment and Decree passed in



C.M.S.A(MD)No.9 of 2022

H.M.C.M.A.No.25 of 2020 on the file of the IV Additional District Court, Madurai, dated 10.01.2022 confirming the Fair and Decretal order passed in H.M.O.P.No.50 of 2013, dated 26.07.2017 on the file of the III Additional Sub Court, Madurai.

2. The Appellant / Husband has filed a petition for Divorce under Section 13(1)(a) of Hindu Marriage Act. The said petition was dismissed. Aggrieved over the same the Appeal was preferred and the same was dismissed. Aggrieved over the same the present Civil Miscellaneous Second Appeal is filed.

3. After hearing the arguments of either side, this Court directed the parties to negotiate and settle the issue. The Appellant/Husband has agreed for one time settlement and willing to pay a sum of Rs.12,00,000/- as maintenance. Initially the appellant was directed to produce a Demand Draft to the tune of Rs.8,00,000/-. Today i.e. on 27.03.2024 the Appellant has produced Demand Draft bearing No. 716337, dated 26.03.2024 to the tune of Rs.8,00,000/- which was issued in favour of the respondent herein.



C.M.S.A(MD)No.9 of 2022

WEB COPY

4. As far as the balance amount is concerned the appellant expressed his financial difficulties and sought four installments. Considering the submission this Court is modifying the order dated 12.03.2024. The appellant is directed to pay the balance amount of Rs. 4,00,000/- in four equal installments, which are as follows:

- 1.The first installment of Rs.1,00,000/-shall be payable on or before 02.05.2024.
- 2.The second installment of Rs.1,00,000/-shall be payable on or before 04.06.2024.
- 3.The third installment of Rs.1,00,000/-shall be payable on or before 03.07.2024.
- 4.The fourth installment of Rs.1,00,000/-shall be payable on or before 06.08.2024.
- 5.The respondent/wife is entitled to withdraw a sum of Rs.8,00,000/-. As and when the balance amount is paid the respondent/wife is entitled to withdraw the same.



C.M.S.A(MD)No.9 of 2022

WEB COPY

6. Since lump sum maintenance was awarded in this appeal, the respondent/wife is directed to withdraw the maintenance case pending before the Court below.

7.If there is any dispute in implementing this order, the parties are at liberty to approach this Court.

5. The Learned Counsel appearing for the appellant further submitted that there are two criminal cases pending before the concerned Courts. In one of the case the parents of the appellant are shown as accused, wherein the father died and hence the case is abated as far as the father is concerned. But the mother of the Appellant is facing criminal case. Another criminal case is against the appellant / husband, where the allegation against the husband is that he had married minor girl. But the investigation report states that the second wife is not a minor. This Court is simply recording the submission of the appellant and this Court is not interfering in the said criminal case.



C.M.S.A(MD)No.9 of 2022

6. With these observations, this Civil Miscellaneous Second

Appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

27.03.2024

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

KSA

To

1. The IV Additional District Court,
Madurai.
2. The III Additional Sub Court,
Madurai.
3. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.M.S.A(MD)No.9 of 2022

S.SRIMATHY, J.

KSA

**Order made in
C.M.S.A(MD)No.9 of 2022**

27.03.2024