



C.M.A(MD)No.513 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.10.2024

CORAM:

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

C.M.A(MD)No.513 of 2019
and
C.M.P(MD)No.5993 of 2019

Kumarasamy

... Appellant

Vs.

Rajeswari

... Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 19 of the Family Court Act, 1984 to set aside the Fair and Decreetal Order dated 10.05.2019 in I.A.No.588 of 2018 in H.M.O.P.No.36 of 2018 on the file of the Family Court, Dindigul.

For Appellant : Mr.R.Suriyanarayanan

For Respondent : No appearance



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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.36 of 2018 on the file of the Family Court, Dindigul, for restitution of conjugal rights. While so, the respondent filed an interlocutory application under Section 24 of the Hindu Marriage Act in I.A.No. 588 of 2018 in H.M.O.P.No.36 of 2018 seeking a direction to the appellant to pay Rs.25,000/- per month as interim alimony for her. The learned Judge, Family Court, Dindigul ordered a sum of Rs.5,000/- per month as monthly maintenance for the wife. As against which, the appellant has filed the present appeal.

2. Admittedly, the appellant filed the petition in H.M.O.P.No.36 of 2018 on the file of the Family Court, Dindigul. 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. Therefore, considering the facts and circumstances of the case, the learned Judge, Family Court, only ordered Rs.5,000/- for wife as monthly maintenance. Though the



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appellant filed the present appeal under Section 19 of the Family Courts Act challenging the above said order raising so many grounds, 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. Further, it is brought to the notice of this Court that the main H.M.O.P itself has already been disposed of on 16.07.2019.

3. Therefore, on these grounds, this Civil Miscellaneous Appeal is dismissed as not maintainable. No costs. Consequently, connected miscellaneous petition is also dismissed.

[P.V.,J.] [K.K.R.K.,J.]
14.10.2024

skn

NCC : Yes/No

Index : Yes / No

Internet : Yes

To

1.The Judge, Family Court, Dindigul.

2.The Section Officer,

V.R.Section,

Madurai Bench of Madras High Court,

Madurai.

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