



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.S.A(MD)No.29 of 2022

and

C.M.P(MD)No.6608 of 2022

Palanikukmar

... Appellant

Vs.

Suganya

... Respondent

PRAYER: Civil Miscellaneous Second Appeal is filed under Section 28 of Hindu Marriage Act, against the fair and decreetal order, dated 14.03.2022 passed in H.M.C.M.A.No.10 of 2020 by the VI Additional District Court, Madurai, and reversing the fair and decreetal order, dated 23.03.2020 passed in H.M.O.P.No. 681 of 2017 on the file of the Sub-Court, Thirumangalam.

For Appellant : Mr.T.K.Gopalan

For Respondent : M/s.J.Barathi

JUDGMENT

The husband has filed this Civil Miscellaneous Second Appeal against the fair and decreetal order, dated 14.03.2022 passed in H.M.C.M.A.No. 10 of 2020 on the file of the VI Additional District Court, Madurai, which had



WEB COPY

reversed the fair and decreetal order, dated 23.03.2020 passed in H.M.O.P.No.681 of 2017 on the file of the Sub-Court, Thirumangalam.

2. The Appellant/Husband has filed a petition for Divorce under Section 13(1)(1a) and (1b) of Hindu Divorce Act, in H.M.O.P.No.681 of 2017 and the same was allowed. Against the same, the wife has preferred an appeal in H.M.C.M.A.No.10 of 2020 and the same was allowed by setting aside the Order passed in H.M.O.P.No.681 of 2017. Aggrieved by the said dismissal order, the Husband is before this Court.

3. Out of the wedlock, the parties have two children. The appellant/husband has agreed to execute a sale deed in favour of the two children, each will be getting one plot admeasuring 10 cents and the property is in Thoppur in S.No.25/7A2. The property stands in the name of the grandfather of the children and the grandfather would execute settlement deed in favour of the two children.



WEB COPY

4. As far as of the maintenance amount to the wife is concerned, the appellant is directed to pay a sum of Rs.20,00,000/- to the wife. The first instalment of Rs.5,00,000/- shall be payable on or before 01.06.2024 and the second instalment of Rs.5,00,000/- shall be payable on or before 01.11.2024. The third instalment of Rs.5,00,000/- shall be payable on or before 01.04.2025. The fourth instalment of Rs.5,00,000/- shall be payable on or before 01.11.2025. In case, if there is any default in the above conditions, the aggrieved party is at liberty to approach the Court.

5. On such execution of property in the name of the two children and on such payment of maintenance the marriage between the appellant and the respondent shall be dissolved. Accordingly, the present Civil Miscellaneous Second appeal is allowed on above terms. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

22.03.2024

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



WEB COPY

To

1. The VI Additional District Court,
Madurai.
2. The Sub-Court, Thirumangalam.
3. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



S.SRIMATHY, J.

KSA

C.M.S.A(MD)No.29 of 2022



WEB COPY



22.03.2024