



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2024

CORAM:

**THE HONOURABLE MR.JUSTICE P.VELMURUGAN
AND
THE HON'BLE MR.JUSTICE K.K.RAMAKRISHNAN**

**C.M.A(MD)No.1145 of 2018
and
C.M.P(MD)No.11742 of 2018**

Muthukumar ... Appellant/Respondent/Petitioner

.Vs.

Peratchiselvi ... Respondent/Petitioner/Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act to set aside the judgment and decree passed in I.A.No.558 of 2018 in H.M.O.P.No.52 of 2018, dated 28.09.2018, on the file of Family Court, Tirunelveli.

For Appellant : Mr.M.Karunanidhi

For Respondent : Mr.P.Sivachandran



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JUDGMENT

(Order of the Court was made by **P.VELMURUGAN,J**)

This Civil Miscellaneous Appeal is filed against the judgment and decree passed in I.A.No.558 of 2018 in H.M.O.P.No.52 of 2018, dated 28.09.2018, on the file of Family Court, Tirunelveli.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The appellant/husband filed H.M.O.P.No.52 of 2018, on the file of Family Court, Tirunelveli for divorce against the respondent/wife. Pending the H.M.O.P, the respondent filed an application seeking interim maintenance and the same was ordered by the Family Court granting a sum of Rs.7,000/-to the respondent towards interim maintenance and a sum of Rs.10,000/- to the respondent towards litigation expenses. Challenging the same, the appellant/husband has filed the present Civil Miscellaneous Appeal.

4.It is represented that during the pendency of the appeal, main M.C.No.60



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of 2018 itself was disposed on merits on 08.01.2021, wherein, the Family Court, Tirunelveli also considered the said application and granted a sum of Rs.7,500/- p.m as maintenance to the respondent herein. Therefore, once the main M.C itself was disposed on merits and also permanent alimony is provided in the said order, nothing survives for further adjudication in this Civil Miscellaneous Appeal.

5.In fine, the Civil Miscellaneous Appeal is dismissed as infructuous. No costs. Consequently, connected Miscellaneous Petition is closed.

(P.V.,J.) (K.K.R.K.,J.)
11.09.2024

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
vsn

To

The Judge,
Family Court,
Tirunelveli.



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Copy to

The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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P.VELMURUGAN,J.
and
K.K.RAMAKRISHNAN,J.

vsn

JUDGMENT MADE IN
C.M.A(MD)No.1145 of 2018
and
C.M.P(MD)No.11742 of 2018

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