



WEB COPY



C.M.A(MD)No.828 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

AND

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

C.M.A(MD)No.828 of 2018
and

C.M.P(MD)No.9236 of 2018

M.Suresh

.. Appellant/Respondent/Respondent

Vs.

Mrs.Sumathi

... Respondent/Petitioner/Petitioner

PRAYER: Civil Miscellaneous Appeal filed under Section 19 of the Family Court Act, against the order, dated 06.04.2018, passed in I.A.No.210 of 2016 in H.M.O.P.No.254 of 2016 on the file of the Family Court, Tiruchirappalli.

For Appellant : Mr.AN.Ramanathan

For Respondent : Mr.A.Chandrakumar



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JUDGMENT

DR.G.JAYACHANDRAN,J.
and
C.KUMARAPPAN,J.

This Civil Miscellaneous Appeal is filed by the respondent being aggrieved by the interim maintenance awarded by the Family Court payable to the wife.

2. Brief facts of the case is that the appellant herein married the respondent on 25.05.2001. After living jointly for few years, they got separated. Alleging that he had been put to cruelty which was the cause for separation, the appellant filed H.M.O.P.No.203 of 2016 before the Sub-Court, Tiruchirappalli, for dissolution of the marriage. Whereas, the the respondent on her part, filed an application for restitution of conjugal rights and sought of maintenance. In the said circumstances, the Family Court, Trichirappalli, has considered the maintenance application filed by the wife and awarded Rs.5,000/- as monthly maintenance. Being aggrieved, the appeal was preferred.

3. The stay of interim maintenance of award was granted by this Court on condition that the petitioner/appellant pays a sum of



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Rs.3,000/- per month. It is reported that despite stay on condition to pay Rs.3,000/- as maintenance, the petitioner/appellant has not paid the amount.

4. Though the period of default is disputed by the learned counsel for the appellant, he is not sure about the period of default and the quantum of maintenance amount.

5. In any event, the appellant has obtained stay of operation of the maintenance award on condition. The failure to comply the conditional order *per se* disentitled the appellant to sustain his appeal. Hence, this appeal is dismissed along with the application for stay. No Costs.

(G.J.,J.) (C.K.,J.)
22.01.2024

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

PM



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To

- 1.The Family Court,
Tiruchirappalli.
- 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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and
C.KUMARAPPAN,J.

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