



C.M.A(MD) No.1189 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 19.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**C.M.A(MD) No.1189 of 2022
and
C.M.P.(MD)No.12128 of 2022**

S.Gopalakrishnan ... Appellant / Respondent /Petitioner

Vs.

G.Pavithra ... Respondent / Petitioner / Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 28 of the Hindu Marriage Act, 1955, against the Ex-order and Fair order dated 28.07.2022 in I.A.No.749 of 2021 in H.M.O.P.No.727 of 2016 on the file of the Family Court, Madurai.

For Appellant : Mr.R.Gowrishankar

For Respondent : Mr.K.Sivabalan



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ORDER

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(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard the learned counsel on either side.

2. Gopalakrishnan is the appellant herein. He got married to Pavithra on 02.09.2009 as per Hindu rites and customs. He filed H.M.O.P.No.727 of 2016 before the Family Court, Madurai seeking divorce on the ground of mental cruelty. The court below vide order dated 28.07.2022 dissolved the marriage between the parties. But while doing so, the court below directed the appellant to pay a sum of Rs.10,00,000/- towards permanent alimony. Questioning the divorce order, Gopalakrishnan filed this CMA. Claiming that the amount awarded towards permanent alimony was insufficient, the wife has filed Cross Objection (MD) No.2 of 2023.

3. When the matter was taken up for disposal, the learned counsel for the respondent submitted that he would not press the cross objection.

4. The only question that calls for consideration is whether the amount awarded by the court below towards permanent alimony is justified.



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5. The learned counsel appearing for the appellant reiterated all the contentions set out in the grounds of appeal and called upon this Court to set aside the impugned order.

6. It is not in dispute that Gopalakrishnan is employed in the police department. The parties are remaining separate since 2016. The impugned order was passed only in July 2022. Admittedly, during the period of six years and more, the appellant did not even pay a single amount towards maintenance. The appellant is also earning a sum of Rs.50,000/- as salary.

7. Taking into account all these aspects, we are of the view that the amount awarded by the court below towards permanent alimony is not excessive. We do not find any merit in the appeal. The Civil Miscellaneous Appeal is dismissed. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (R.P., J.)
19.12.2024

Index : Yes / No
Internet : Yes / No
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G.R.SWAMINATHAN, J.
AND
R.POORNIMA, J.

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To

The Family Court, Madurai.

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