



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMSA No. 39 of 2011

AND

CMP NO. 14214 OF 2025

1. K.Baskar

S/o Krishnamurthy, No.104, O V Rd,
Ambur, Vellore Dt, Employed And
Presently Stationed Ast Alahli Bank Of
Kuwait, Post Box 1387, Saat 13014,
Kuwait.

Appellant(s)

Vs

1. KRISHNAVENI

Divorced W/o K.Baskar, No.18a,
Bagalur Rd, Hosur Post, Hosur Tk,
Krishnagiri Dt.

Respondent(s)

CMSA No. 39 of 2011

PRAYER

To set aside the decree and judgment passed by the Principal District Court, Krishnagiri in CMA No. 14 of 2010 on 12.01.2011 in confirming the decree and judgment passed by the Subordinate Court, Hosur in MOP No. 6 of



2004 dated 18.01.2010.

CMSA No. 39 of 2011

For Appellant(s): Mr. C. Jagadish

For Respondent(s): No Appearance

JUDGEMENT

Challenging the decree and judgment passed by the Principal District Court, Krishnagiri in CMA No. 14 of 2010 on 12.01.2011 in confirming the decree and judgment passed by the Subordinate Court, Hosur in MOP No. 6 of 2004 dated 18.01.2010 the appellant preferred this appeal.

2. The learned counsel for the appellant submits that the marriage with the respondent was divorced by mutual consent in HMOP No. 25 of 2003, at the time of filing the said petition terms were arrived between the appellant and the respondent including maintenance and permanent alimony to the respondent as well as property settlement in favour of the minor daughter Aiswarya. As per the terms arrived between the parties the respondent received Rs.2 lakhs as permanent alimony and property also settled in name of their daughter



Aishwaraya by the appellant. Thereafter, consent divorce petition was allowed.

Thereafter, immediately within a year the respondent herein filed the application for permanent alimony in MOP No. 6 of 2004 before the Sub court, Hosur stating that maintenance amount has not been paid by the appellant/husband as per the terms arrived between them and also the appellant herein/husband committed breach of agreement. Hence, she prayed for maintenance of Rs.40,000/- per month stating that she has no other income nor possessed any property, that application was contested by the husband/appellant herein. On hearing both sides, the trial Court granted Rs.20,000/- as maintenance to the respondent herein. Challenging the said order the appellant herein filed CMA No. 14 of 2010, before the Principal District Court, Krishnagiri but the same was dismissed by the first appellate Court. Challenging the concurrent findings, the appellant/husband filed this appeal.

3. The learned counsel for the appellant argues that having agreed to receive the permanent alimony of Rs.2 lakhs and the same was mentioned in consent divorce petition after admitting the terms and receipt of Rs.2 lakhs as permanent alimony consent divorce was granted. Thereafter, she is not entitled



to monthly maintenance even if any breach of agreement she should have revoked the order passed in HMOP No. 25 of 2003. Hence, the learned counsel disputed the maintainability of the petition also.

4. Notice issued to the respondent none appeared for the respondent.

5. At the time of the argument the learned counsel for the appellant submits that after getting mutual divorce the respondent got married one Raja Ganesh and live with him, hence she no longer entitled to any maintenance. Further, she gave a publication in the matrimonial website to find a life partner for marriage to that effect he produced the copy of the website, which shows that the respondent find a life partner for marriage and she married one Raja Ganesh to that effect he produced the marriage invitation. Therefore, as on date, she got married and live with one Raja Ganesh. Furthermore, there was mutual partition held in the respondent family with regard to family property as per the partition held in the family of respondent, certified copy of partition dated 02.07.2023 produced on the side of the appellant and perused wherein respondent shown as third sharer in the partition deed she was allotted with C schedule property and she is having sufficient property and also got married with one Raja Ganesh.



Hence, the respondent is not entitled to claim any maintenance. Therefore, the application filed by the respondent wife is vexatious but the Courts below failed to appreciate the documents and evidence produced by the appellant. Accordingly, the judgement and order passed by the Courts below is set aside and MOP No. 6 of 2004 filed by the respondent before the Subordinate Court, Hosur is dismissed as no merits.

6. In the result, this Civil Miscellaneous Appeal is allowed. No Costs.

Pending petition(s), if any, is/are closed.

29-08-2025

pbl

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Principal District Court, Krishnagiri.
2. The Subordinate Court, Hosur.
3. The Section officer, V.R Section, High Court, Madras.



WEB COPY

CMSA No. 39 of 2011



T.V.THAMILSELVI J.

pbl

**CMSA No. 39 of 2011
AND CMP NO. 14214
OF 2025**



WEB COPY

CMSA No. 39 of 2011



29-08-2025



WEB COPY



CMSA No. 39 of 2011
and
CMP.No. 14214 of 2025

T.V.THAMILSELVI, J.,

Today, when the matter came up for hearing under the caption “for being mentioned” at the instance of the learned counsel for the appellants. He further submitted that this Court had already allowed the appeal in CMSA.No.39 of 2011 by judgment dated 29.08.2025 and there was some mistake in the Judgment “inadvertently typed”. Therefore, he seeks to rectify the following error:-

“By Judgment in CMSA No. 39 of 2011, dated
29.08.2025, in the judgment, it shall be replaced
“A.Murugan” instead of Raja Ganesh.

2. Registry is directed to carry out the above corrections wherever it occurs in the judgment and issue fresh order copy forthwith to the parties concerned.

3. In all other respects, the order dated 29.08.2025 shall remain unaltered.

MSM

19.09.2025



WEB COPY



T.V.THAMILSELVI, J.,

MSM

CMSA. No. 39 of 2011
and
CMP.No. 14214 of 2025



WEB COPY



19.09.2025