



WEB COPY



CMA. No.1419 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2025

CORAM :

**THE HON'BLE MR. JUSTICE R. SURESH KUMAR
AND
THE HON'BLE MR. JUSTICE P.DHANABAL**

CMA.No.1419 of 2025

1.Angeline Selvarani Francis
2.Allen

...Appellants

-VS-

Nathan Francis Anand Kumar

...Respondent

Civil Miscellaneous Appeal filed under Section 19 of the Family Court Act R/w.55 of the Indian Divorce Act, to set aside and modify the order and decree dated 25.03.2021 passed by the learned V Additional Principal Family Court Judge, Chennai in I.A.No.475 of 2012 in O.P.No.3751 of 2010.

For Appellant : Mr.J.T.Rajasuriya

JUDGMENT

(Judgement was delivered by P.DHANABAL, J.)

This civil miscellaneous appeal has been preferred as against the order passed by the V Additional Principal Family Court Judge, Chennai in I.A.No.475 of 2012 in O.P.No.3751 of 2010.

2. Before the Family Court, the respondent herein filed O.P.No.3751 of



2010 for divorce as against the 1st appellant, who is the wife of the respondent.

The 2nd appellant is the son of the 1st appellant and respondent. During pendency of the main petition, the appellants herein have filed Interlocutory Application (IA) in I.A.No.475 of 2012 under section 36 of Indian Divorce Act, seeking interim maintenance of Rs.60,000/-.

3. The Family Court after hearing both sides, directed the respondent to pay a sum of Rs.30,000/- per month to the 1st appellant and Rs.20,000/- per month to the 2nd appellant as interim maintenance from 22.07.2011. As far as the 2nd appellant is concerned, the interim maintenance is valid only until he attaining majority. Aggrieved by the said order, the appellants have filed this civil miscellaneous appeal on various grounds.

4. The learned counsel for the appellant would submit that the respondent is the husband of the 1st appellant and the father of the 2nd appellant. The respondent filed a divorce petition in O.P.No.3751 of 2010 as against the 1st appellant, who then filed an Interlocutory Application seeking interim maintenance of Rs.60,000/- per month to support herself and the 2nd appellant.

5. The 1st appellant is a house wife, and 2nd appellant is a school going child. They have no independent source of income and are unable to maintain



themselves which led to file the petition in I.A.No. 475 of 2012 for interim maintenance. It is transpired that the respondent earns Rs.50,000/- per month from rental income and also earn salary of Rs.3.5 lakhs to 4 lakhs per month. However, the Family Court awarded a meager amount of Rs.30,000/- to the 1st appellant and Rs.20,000/- per month to the 2nd appellant. Therefore, the appellants viz., mother and son filed this appeal.

6. This Court heard the appellant's side arguments and perused the records.

7. In this case, the appellants filed this appeal as against the Interlocutory order passed by the Family Court in I.A.No.475 of 2012 in O.P.No.3751 of 2010. The Family Court after hearing both sides, dismissed the petition. As per Section 19 of Family Courts Act, no appeal will lie as against the Interlocutory order. However, the appellants filed this appeal as against the order passed by the Family Court in the Interlocutory Application.

8. At this juncture, it is relevant to refer the judgement of this Court in the case of *S.Menaka Vs. K.S.K.Nepolian Socraties* passed in *C.M.P.No.18729 of 2023 in C.M.A.No.1914 of 2021 etc., batch, dated 21 March 2024*, wherein,



CMA. No.1419 of 2025

it has been decided that as against the interlocutory order passed by the Family Court, appeal shall not lie. Subsequently, relying the said judgment, this Court in the case of *P.Sathyaseelan Vs.K.Ramya in C.M.A.No.3299 of 2021 dated 24.04.2025* following S.Menaka's case, dismissed the CMA by giving liberty to the appellant to file a revision before the appropriate Forum in accordance with law. Therefore, the petitioner is at liberty to file a revision before the appropriate Forum in accordance with law. For the period of pendency of this petition, the petitioner is entitled to benefit of Section 14 of Limitation Act.

9. With the aforesaid direction, this Civil Miscellaneous Appeal is disposed of. No costs.

[R.S.K,J.]

[P.D.B, J.]
18.07.2025

Internet : Yes

Index : Yes / No

mpa

To

4/6



CMA. No.1419 of 2025

The V Additional Principal Family Court Judge, Chennai.

WEB COPY

**R. SURESH KUMAR, J.
AND
P.DHANABAL, J.**

mpa



WEB COPY



CMA. No.1419 of 2025

CMA.No.1419 of 2025

18.07.2025