



C.M.A.No.883 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 01.04.2025

CORAM:

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

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and

C.M.P. No.7249 of 2025

Yamini Prasad
S/o.K.Loganathan,
residing at No.28,
New Amarajapuram,
Tondiarpet,
Chennai – 600 081.

... Appellant

Vs.

Brindha Devi,
W/o.Yamini Prasad,
residing at No.15-B,
Chinna Samay Nagar,
Kanagambal Nagar,
Periyamathur, Manali,
Chennai – 600 068.

... Respondent



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PRAYER: Civil Miscellaneous Appeal filed under Section 19 of Family Court Act to set aside the order and decree dated 24.03.2021 made in I.A.No.2 of 2019 in O.P.No.3067 of 2018 by the V Additional Judge, Family Court, Chennai.

For Appellant : Mr. R. Rangarajan.

J U D G M E N T

(Delivered by Dr. A.D. Maria Clete, J)

This Civil Miscellaneous Appeal is filed under Section 19 of the Family Courts Act, 1984 by the appellant/husband challenging the order dated 24.03.2021 passed by the V Additional Family Court, Chennai in I.A. No. 2 of 2019 in O.P. No. 3067 of 2018, whereby the Family Court directed the appellant to pay a total sum of Rs.10,000/- per month as interim maintenance to the respondent/wife and Rs.5,000/- each to their two minor children—with effect from the date of the application, i.e., 22.07.2019. The appellant was also directed to pay litigation expenses.

2. The marriage between the appellant and the respondent was solemnised on 23.05.2008. Two children were born to the couple during the subsistence of the



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marriage and are in the custody of the respondent. The matrimonial relationship appears to have soured, leading to the institution of O.P. No. 3067 of 2018 by the appellant seeking divorce on the ground of cruelty.

3. Pending disposal of the original petition, the respondent filed I.A. No. 2 of 2019 under Section 24 of the Hindu Marriage Act, 1955, seeking interim maintenance of Rs.20,000/- per month for herself and Rs.10,000/- each for the two minor children, along with litigation expenses. The Family Court, upon considering the pleadings and submissions of both parties, partly allowed the petition and fixed the interim maintenance at Rs.10,000/- for the wife and Rs.5,000/- each for the two children.

4. The trial court, after considering the uncontroverted averments of the respondent and the lack of rebuttal by the appellant, held that the appellant was under a legal obligation to maintain his wife and two minor children. The Court further noted that the respondent was the sole caregiver and, factoring in the cost of living in Chennai, awarded interim maintenance of Rs.10,000/- to the respondent and Rs.5,000/- each to the children. The order does not suffer from any legal infirmity or procedural irregularity. It is also observed that, as held by the



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Division Bench of this Court in C.M.P.No.18729 of 2023 in C.M.A. No. 1914 of

2021 etc., (batch), dated 21.03.2024, an appeal will not lie either under Section 28 of the Hindu Marriage Act, 1956, or under Section 19 of the Family Courts Act, against an order granting interim or pendent lite maintenance under Section 24 of the Hindu Marriage Act. The proper remedy lies only in filing a revision under Article 227 of the Constitution of India before the High Court, irrespective of whether the order is passed by a regular Civil Court or a Family Court. In view of the foregoing, this Court finds that the appeal is devoid of merit and is also not maintainable.

5. Accordingly, the Civil Miscellaneous Appeal is dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(R.S.K., J) (A.D.M.C., J)

01.04.2025

ay

Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No

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To

1. The V Additional Family Court,
Chennai.

2. The Section Officer,
VR Section,
High Court of Madras,
Chennai.



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DR. A.D. MARIA CLETE, J

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