



CMSA No.7 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.S.A.No.7 of 2024

S.Muthukumaran

... Appellants

Vs.

R. Chitra

... Respondents

PRAYER: Civil Miscellaneous Second Appeal filed under Section 13 (1-a) & 13(1-b) of Hindu Marriage Act r/w Section 100 of Civil Procedure code to set aside the decree and Judgment in C.M.A.No.50 of 2017 dated 19.04.2023 on the file of III Additional District Judge, Coimbatore confirming of the Judgment in H.M.O.P.No.284 of 2016 dated 18.04.2017 on the file of the Principal Subordinate Judge, Coimbatore and allow the appeal and pass orders. .

For Appellant : Mr.E.C. Ramesh
For Respondents : Mr.M. Malaiyarasi
for Mr.K. Thilageswaran

JUDGMENT



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WEB COPY The appeal has been filed to set aside the decree and Judgment in

C.M.A.No.50 of 2017 dated 19.04.2023 on the file of III Additional District Judge, Coimbatore confirming of the Judgment in H.M.O.P.No.284 of 2016 dated 18.04.2016 on the file of the Principal Subordinate Judge, Coimbatore and allow the appeal and pass orders.

2. The marriage between the appellant and the respondent was solemnized on 25.03.2007. A child was born to them due to the said wedlock. However, due to misunderstanding between the couples the appellant/husband has filed H.M.O.P.No.284 of 2016 before the Principal Subordinate Judge, Coimbatore seeking relief of decree of divorce by dissolving the marriage and the same was dismissed on 18.04.2017. Challenging the same, the appellant filed C.M.A.No.50 of 2017 on the file of III Additional District Judge, Coimbatore and the same was dismissed on 19.04.2023. Aggrieved over the same the appellant/husband has filed this appeal.



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3. Today when the matter is taken up for hearing, both the appellant/husband and respondent/wife appeared before this Court. The appellant stated that he is not willing to live with the respondent/wife and he further submitted that he will do welfare to his child.

4. The learned counsel for the appellant submitted that the appellant is suffering from severe medical ailments and he can afford only a sum of Rs.7,000/- per month to the child.

5. The learned counsel for the respondent submitted that the child is now aged about 18 years and till date the respondent has not acted as dutiful father and not even spent a single rupee to the child. Hence, prays to dismiss this appeal.

6. Heard both sides and perused the materials available on record.

7. On going through the facts of the case it is seen that the appellant and the respondent are Government Servants and they have not lived together even for a period of one year and are living separately for more



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than 15 years. The child was taken care only by the respondent/wife.

8. In view of the fact that, the respondent is still willing to live with the appellant and also considering the future of the child, this Court without going into the merits of the appeal, directs the appellant to pay Rs.15,000/- per month as maintenance on or before 5th of every calendar month to the respondent. The said amount should be paid from September, 2025 until the same is modified by any Court of law.

9. With the above observation and directions, this appeal stands disposed of. No order as to costs.

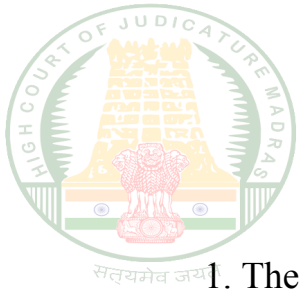
28.07.2025

Index:Yes/No
Speaking/non Speaking order
Neutral Case citation: yes/no

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1. The III Additional District Judge, Coimbatore
2. The Principal Subordinate Judge, Coimbatore
3. The Section Officer, V.R. Section, High Court of Madras.

T.V.THAMILSELVI, J.

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