



WEB COPY



C.M.A(MD)No.763 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2025

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

C.M.A(MD)No.763 of 2021

Jeyanthi

...Appellant/Petitioner

Vs.

Mahendran

...Respondent/Respondent

Prayer:- This Civil Miscellaneous Appeal is filed under Section 19 of Family Courts Act, to set aside the order dated 30.03.2021 passed in I.A.No. 1 of 2020 in O.P.No.13 of 2020 by the Family Court, Theni.

For Appellant : Mr.G.Aravinthan

For Respondent : Mr.S.Siva Thilagar

J U D G M E N T

(Judgment of the Court was made by the Hon'ble P.VELMURUGAN J.)

This Civil Miscellaneous Appeal is filed against the order dated 30.03.2021 passed in I.A.No.1 of 2020 in O.P.No.13 of 2020 by the Family Court, Theni.



2. Wife is the appellant and the husband is the respondent herein.

Wife filed O.P.No.13 of 2020 before the Family Court, Theni for divorce on the ground of cruelty and desertion. Pending the said application, the appellant filed I.A.No.1 of 2020 under Section 25 of Hindu Marriage Act seeking permanent alimony to a sum of Rs.10,00,000/-. While disposing the petition for divorce, the Judge, Family Court has also disposed the said I.A., observing that the petitioner has not produced any materials to show the assets of movable and immovable properties available with the respondent. The trial Court further observed that the respondent is surviving on the sole income from the cell phone service business and directed the respondent to pay the monthly maintenance of Rs.5,000/- to the appellant.

3. Challenging the said order, the wife filed the present appeal seeking enhancement of monthly maintenance.

4. A reading of the entire materials shows that though the appellant claimed a permanent alimony of Rs.10,00,000/-, she has not produced any materials to show the assets of movable and immovable properties available with the respondent and the respondent is affordable to pay a sum of Rs.5,000/- as monthly maintenance and ordered a monthly maintenance of Rs.5,000/-.



WEB COPY

C.M.A(MD)No.763 of 2021



5. Therefore, in the absence of any specific material, this Court does not find any perversity in the order passed by the learned Family Judge. Accordingly, this appeal is dismissed and the order passed by the learned Family Court Judge, Theni made in I.A.No.1 of 2020, dated 30.03.2021 is confirmed. However, the appellant is at liberty to work her remedy in the manner known to law by invoking under Section 25(2) of the Hindu Marriage Act, if any change in circumstances. No costs.

(P.V.,J.) (L.V.G.J.,)

12/11/2025

Index : Yes/No.

Internet : Yes/No.

am

To:

The Family Court,
Theni.



WEB COPY



C.M.A(MD)No.763 of 2021

P.VELMURUGAN,J.
and
L.VICTORIA GOWRI,J.
am

C.M.A(MD)No.763 of 2021

12/11/2025