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CMA(MD).No.43 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19-11-2025

CORAM

THE HONOURABLE MS.JUSTICE R. POORNIMA

CMSA(MD) No. 43 of 2021 and

CMP(MD).No.8166 of 2021

B. Karthick

Petitioner

Vs

Kavitha

Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 28 of Hindu Marriage Act, 1957 r/w. Section 100 of CPC to call for the records relating to the order passed by the III Additional District Judge, Trichy in CMA.No.6 of 2021, dated 25.08.2021 confirming the fair and decreetal order passed by the Principal Sub Court, Trichy in I.A.No.259 of 2017 in HMOP.No.195 of 2016, dated 20.01.2021 and set aside the same.



WEB COPY

CMA(MD).No.43 of 2021

For appellant : No representation

For respondent : Mr.R. Narayanan

JUDGMENT

This Civil Miscellaneous Appeal has been filed against the order, dated 25.08.2021 passed in CMA.No.6 of 2021 on the file of the III Additional District Judge, Trichy confirming the fair and decreetal order passed by the learned Principal Subordinate Judge, Trichy in I.A.No.259 of 2017 in HMOP.No.195 of 2016, dated 20.01.2021 and set aside the same.

2. According to the appellant / husband, he filed a petition in H.M.O.P.No.4601 of 2015 on the file of the II Additional Family Court, Chennai for dissolution of marriage on the ground of cruelty and desertion and un sound mind of respondent / wife under Section 13(1)(1-a) and (iii) of Hindu Marriage Act, 1955 and subsequently, as per the order of this Court, dated 12.04.2016 made in TR.CMP(MD).No.162 of 2016, the said petition was transferred to the Principal Sub Court, Trichy and re-numbered as HMOP.No.



CMA(MD).No.43 of 2021

WEB COPY

195 of 2016. During the pendency of the above said proceedings, the respondent / wife filed I.A.No.259 of 2017 seeking interim maintenance of Rs.20,000/- for herself and minor child and also filed another I.A.No.260 of 2017 seeking litigation expenses. The Court below ordered Rs.10,000/- as interim maintenance in I.A.No.259 of 2017 and Rs.10,000/- towards litigation expenses in I.A.No.260 of 2017. Against the order passed in I.A.No.259 of 2017 the appellant / husband preferred CMA.No.6 of 2021 and the lower appellate Court confirmed the same. Against which the present Civil Miscellaneous Appeal has been filed stating that the appellant is not in a position to pay the entire award maintenance within short span of time. The trial Court not apparent and the appellate Court not based on evidence on record and not properly appreciated passed the order.

3. The learned counsel for the respondent, who is present today, has filed the order passed in H.M.O.P. No.195 of 2016 dated 07.12.2021 by the learned Principal Subordinate Judge, Tiruchirappalli, granting divorce by dissolving the marriage that took place on 25.05.2013 at Vasavi Mahal, Tiruchirappalli. As per the said order, the petitioner was directed to pay a sum of Rs.15,00,000/- within



CMA(MD).No.43 of 2021

WEB COPY
a period of two months from the date of the order, failing which he shall pay a sum of Rs.10,000/- per month towards permanent alimony under Section 25 of the Hindu Marriage Act. The petitioner was further directed to pay a sum of Rs.7,00,000/- to the respondent / wife within a period of two months from the date of the order towards return of cash and properties presented at the time of marriage under Section 27 of the Hindu Marriage Act.

4. Since the main H.M.O.P. No.195 of 2016 itself was disposed of vide order, dated 07.12.2021 by the learned Principal Subordinate Judge, Tiruchirappalli, nothing survives for adjudication in this Civil Miscellaneous Appeal, and the Civil Miscellaneous Appeal has become infructuous.

5. Hence, the Civil Miscellaneous Appeal is dismissed as infructuous. No costs. Consequently, the connected Miscellaneous Petition is closed.

19-11-2025

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Index : Yes / No

Internet : Yes / No

4/6



CMA(MD).No.43 of 2021

WEB COPY

To

1. The III Additional District Judge, Trichy.
2. The Principal Sub Court, Trichy
3. The Section Officer, VR Section, High Court, Madurai.



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CMA(MD).No.43 of 2021

R. POORNIMA, J.

Trp

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