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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-11-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

AND

THE HON'BLE MR.JUSTICE KRISHNASWAMY GOVINDARAJAN

CMA No. 602 of 2016

CNR:{HCMA010228092016}

Case QR

AND

CMA NO. 1028 OF 2016,CMP NO. 5591 OF 2019,CMP NO. 5006 OF 2016,CMP NO. 8212 OF 2020,CMP NO. 15427 OF 2019,CMP NO. 21152 OF 2019,CMA NO. 2387 OF 2018,CMP NO. 5493 OF 2019

Srivatsan Pallavaram@
P.S.Srivatsan
No.2D Shamugam Apartments, No. 10/1, Pari Salai, Mogappair East, Chennai 37

..Appellant(s)

Vs

1. Dr.T.Poonkuzhali (died)
   No. 50 Mylappa Street, Aynavaram, Chennai - 23

2. P.Thiagarajan
   No.50, Mylappa Street, Ayanavaram, Chennai - 23.

3. Nalina Prabha Thiagarajan
   No.50, Mylappa Street, Ayanavaram, Chennai – 23.

(RR2 AND R3 BROUGHT ON RECORD AS LR'S OF THE DECEASED SOLE RESPONDENT VIDE COUT ORDER DT 01.03.2019 MADE IN CMP 22610/2018 IN CMA 602/2016 (MMSJ AND CSNJ)

..Respondent(s)

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CMA No. 1028 of 2016

Case QR

CNR:{HCMA010054992016}

1. Dr.T.Poonkuzhali Alias Anjali
   Thiagarajan, (Died) W/o Srivatsan Pallavaram,
   No. 50, Mylappa St, Ayanavaram, Chennai-23

2. Mr.P.Thiagarajan
   No. 50, Mylappa Street Ayanavaram, Chennai-23

3. Mrs.Nalina Prabha Thiagarajan
   No. 50, Mylappa Street Ayanavaram, Chennai-23

(APPELLANT 2 AND 3 BROUGHT ON RECORD AS LRS OF THE DECEASED FIRST APPELLANT VIDE COURT ORDER DT 03.01.2019 MADE IN CMP NOS. 22022 /18 AND 22589/2018 IN CMA 1028/2016)

..Appellant(s)

Vs

Srivatsan Pallavaram
Alias P.S.Srivatsan, 2D, Shanmugam Apartments,
No. 10/1, Pari Salai, Mugappair, Chennai -37

..Respondent(s)

CMA No. 2387 of 2018

Case QR

CNR:{HCMA013156992017}

1. Dr.T.Poonkuzhali M.D. Alias Anjali
   Thiagarajan (Deceased)
   Represented by P.Thiagarajan
   Power of Attorney
   W/o. Srivatsan Pallavaram , D/o. P.Thiagarajan,
   No.50, Mylappa St, Ayanaavaram Chennai-23.

2. P.Thiagarajan
   No.50, Mylappa Street, Ayanavaram, Chennai-600 023.

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3. Naline Prabha Thiagarajan
No.50, Mylappa Street, Ayanavaram, Chennai-600 023.

APPELLANTS 2 AND 3 BROUGHT ON RECORD AS LRS OF THE DECEASED SOLE APPELLANT VIZ. T.POONKUZHALI VIDE COURT ORDER DATED 31.10.2018 MADE IN CMP. 19432 AND 19436/2018 IN CMA. 2387/2018 (KKSJ AND RSMJ).

..Appellant(s)

Vs

Srivatsan Pallavaram
Alias P.S.Srivatsan, S/o. P.D.Srinivasan, 2D Shanmugam Apartments, No.10/1, Pari Salai, Mugappair, Chennai-600 037.

..Respondent(s)

Prayer in CMA No. 602 of 2016:

Civil Miscellaneous Appeal filed under Section 19 of Family Court Act, praying to set aside the order and decreetal order of the Principal Judge, Family Court, Chennai, dated 18.12.2015 passed in I.A.No.1808 of 2012 in O.P.No.1687 of 2012.

Prayer in CMA No. 1028 of 2016:

Civil Miscellaneous Appeal filed under Section 19 of Family Court Act, praying to modify the impugned order dated 18.12.2015 in I.A.No.1808 of 2012 in H.M.O.P.No.1687 of 2012 on the file of the Principal Family Court, Chennai into “respondent is directed to pay interim maintenance at the rate of Rs.12,50,000.00 per month to the petitioner on or before the 5th of every month from the date of desertion viz. 24.09.2010 or in the alternative from the date of filing of H.M.O.P. viz. 30.04.2012 along with arrears, interest over the arrears at

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the rate of 24% per annum besides enhancing litigation expenses to Rs.10,00,00.00".

Prayer in CMA No. 2387 of 2018:

Civil Miscellaneous Appeal filed under Section 19 of the Family Courts Act read with Section 151 of C.P.C., praying to set aside the order and decreetal order dated 31.05.2017 passed in O.P.No.1687/2012 on the file of the Principal Family Court, Chennai and consequently allow the Nullity petition under Section 12(1)(c) of Hindu Marriage Act, 1955 or in the alternative grant the alternate relief Divorce on the ground of cruelty under Section 13(1)(i-a) of Hindu Marriage Act, 1955.

For Appellant(s):	Mr.M.Suresh in CMA No.602 of 2016
	Mr.P.Thiagarajan (P in P) for Appellants 2 and 3 in CMA Nos.1028 of 2016 & 2387 of 2018
For Respondent(s):	Mr.P.Thiagarajan (P in P) in CMA No.602 of 2016
	Mr.M.Suresh in CMA Nos.1028 of 2016 & 2387 of 2018

Common Judgment

(Judgment of the Court was delivered by M.Dhandapani J.)

C.M.A.Nos.602 of 2016 and 1028 of 2016 have been filed challenging the order dated 18.12.2015 passed in I.A.No.1808 of 2012 in O.P.No.1687 of

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2012 by the Principal Family Court, Chennai and CMA No. 2387 of 2018 has been filed challenging the order dated 31.05.2017 passed in O.P.No.1687 of 2012 by the Principal Family Court, Chennai. Since the issue involved in these civil miscellaneous petitions are interrelated, they are heard together and disposed of by way of a common judgment.

2.The brief facts of the case is that Dr.T.Poonkuzhali/ deceased first respondent in C.M.A.No.602 of 2016/ deceased first appellant in CMA Nos.1028 of 2016 and 2387 of 2018 filed O.P.No.1687 of 2012 under Section 12(1)(c) of the Hindu Marriage Act, 1955 to annul the marriage of her with Srivatsan Pallavaram/ appellant in C.M.A.No.602 of 2016/ respondent in CMA Nos.1028 of 2016 and 2387 of 2018 solemnized on 05.03.2010 at Chennai as er Hindu Rites and Customs and for permanent alimony of Rs.2 Crores to her as one time settlement and as compensation to the extend of damages caused to her life by the NRI – husband and also for such other appropriate relief proportionate to NRI – husband's income – 1,10,000 USD per annum (Rs.55 Lakhs per annum) and for return of sridhanam gifts. In the said O.P., the said Dr.T.Poonkuzhali also filed I.A.No.1808 of 2012 under Section 24 of the Hindu Marriage Act, 1955 for grant of interim relief of Rs.8 Lakhs per month towards maintenance. After adjudication, the Principal Family Court, Chennai, vide order dated 18.12.2015 partly allowed I.A.No.1808 of 2012 and directed the respondent therein to pay a sum of Rs.3 Lakhs per month to the petitioner

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therein as interim maintenance from 16.12.2015 and to pay a sum of Rs.50,000/- towards litigation expenses and vide order dated 31.05.2017 dismissed O.P.No.1687 of 2012. Challenging the said orders, these appeals have been filed.

3.Mr.P.Thiagarajan/ father of deceased Dr.T.Poonkuzhali/ second respondent in C.M.A.No.602 of 2016/ second appellant in CMA Nos.1028 of 2016 and 2387 of 2018 appeared as Party – in – Person and he submitted that during the pendancy of these appeals, Dr.T.Poonkuzhali passed away on 14.07.2018. He further submitted that the marriage between his daughter Dr.T.Poonkuzhali and Srivatsan Pallavaram was solemnized on 05.03.2010 at Thirumal Thirumahal Vasantha Mahal at Padi, Chennai. At the time of marriage, his daughter was a qualified Doctor with MD Degree (Russia) which is equivalent to M.B.B.S. Degree in India. The marriage was performed with the blessings of the elders of the family. However, there was matrimonial dispute and due to unbearable torture, she filed petition to annul the marriage and also filed I.A.No.1808 of 2012 seeking interim maintenance of Rs.8 Lakhs per month, however, the Family Court only awarded a sum of Rs.3 Lakhs per month towards interim maintenance.

4.Mr.P.Thiagarajan, appearing as Party – in – Person further submitted

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that though his daughter in her petition claimed her husband was earning Rs.55 Lakhs per annum in USA, actually, he earns more than Rs.1 Crore per month and he spends lavishly for pets and other expenses to the tune of Rs.25 Lakhs per month and hence the amount awarded by the Family Court towards interim maintenance is very very meagre. He further submitted that since the appellant in C.M.A.No.602 of 2016/ respondent in CMA Nos.1028 of 2016 and 2387 of 2018 earns more than Rs.1 Crore per month, he ought to have to pay atleast Rs.50 Lakhs per month towards interim maintenance from the date of the petition till the date of the death of the deceased.

5.The learned counsel appearing for Srivatsan Pallavaram/ appellant in C.M.A.No.602 of 2016/ respondent in CMA Nos.1028 of 2016 and 2387 of 2018 submitted that there is no proof for the income as claimed by the Party – in – Person/ father of the deceased and further submitted that the appellant in C.M.A.No.602 of 2016/ respondent in CMA Nos.1028 of 2016 and 2387 of 2018 has to take care of himself and his age old parents with his salary and further submitted that the Family Court after considering all the factual aspects awarded interim maintenance. He further submitted that as against the order passed under Section 24 of the Hindu Marriage Act, civil miscellaneous appeal is not maintainable as per the decision of the Hon'ble Division Bench of this

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Court dated 21.03.2024 in C.M.P.No.18729 of 2023 in C.M.A.No.1914 of 2021 *[S.Menaka Vs. K.S.K.Nepolian Socraties]*.

6.Heard the arguments advanced on either side and perused the materials available on record.

7.Since Dr.T.Poonkuzhali/ wife of Srivatsan Pallavaram passed away on 14.07.2018, nothing survives for adjudication in CMA No.2387 of 2018 and hence, CMA No.2387 of 2018 is dismissed as infructuous.

8.Insofar as the amount awarded towards interim maintenance is concerned, this Court perused the application filed before the Family Court in I.A.No.1808 of 2012. In the said application, the deceased claimed that her husband earn a sum of Rs.10 Lakhs per month out of which, she claimed Rs.8 Lakhs as interim maintenance. The Family Court after adjudication, inorder to strike balance, awarded a sum of Rs.3 Lakhs per month towards interim maintenance.

9.Now the Party – in – Person/ father of the deceased claims that the appellant in C.M.A.No.602 of 2016/ respondent in CMA Nos.1028 of 2016 and 2387 of 2018 earns more than Rs.1 Crore per month and he spends lavishly for

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pets and other expenses to the tune of Rs.25 Lakhs per month and hence, he ought to have to pay atleast Rs.50 Lakhs per month towards interim maintenance from the date of the petition till the date of the death of the deceased, however, he has not produced any proof to substantiate the same. However, inorder to give quietuss to the issue this Court is inclined to enhance the amount awarded towards interim maintenance from Rs.3 Lakhs to Rs.3,50,000/- and litigation expenses from Rs.50,000/- to Rs.1 Lakh.

10.Accordingly, the appellant in C.M.A.No.602 of 2016/ respondent in C.M.A.Nos.1028 of 2016 and 2387 of 2018 is directed to deposit the entire arrears amount of interim maintenance from 16.12.2015 to 14.07.2018 i.e., the date of death of deceased Dr.T.Poonkuzhali at the rate of Rs.3,50,000/- [Rupees Three Lakhs and Fifty Thousand only] per month along with litigation expenses of Rs.1,00,000/- [Rupees One Lakh only] to the credit of I.A.No.1808 of 2012 in O.P.No.1687 of 2012 on the file of the Principal Family Court, Chennai, less the amount if any, already deposited, within a period of eight weeks from the date of receipt of a copy of this order. On such deposit being made, the parents/ legal heirs of the deceased Dr.T.Poonkuzhali/ respondents 2 and 3 in C.M.A.No.602 of 2016/ appellants 2 and 3 in C.M.A.Nos.1028 of 2016 and 2387 of 2018 are permitted to withdraw the said amount in equal share.

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11.With the above observations and directions, C.M.A.Nos.602 of 2016 and 1028 of 2016 are disposed of.

12.In the result, C.M.A.Nos.602 of 2016 and 1028 of 2016 are disposed of. C.M.A.No.2387 of 2018 is dismissed as infructuous. No costs. Consequently, connected miscellaneous petitions are closed.

(M.D.I.,J.) **(K.G.R.,J.)**
12-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

The Principal Family Court, Chennai.

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KRISHNASWAMY GOVINDARAJAN J.

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