



WEB COPY



CMA No. 2852 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-01-2025

CORAM

THE HONOURABLE MRS JUSTICE J. NISHA BANU

AND

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

CMA No. 2852 of 2021

K.Sundramoorthy

S/o. A. Kamalanathan, Presently Residing At,
No.37, Venkatachalam Street, Royapuram,
Chennai - 600013. Old Address At, No.62,
P.V.Koil Street, Royapuram, Chennai - 600013.

Appellant(s)

Vs

Mala Alias Kavitha

No.56, Kasima Nagar, 2nd Street, Kasimedu,
Royapuram, Chennai - 600013.

Respondent(s)

For Appellant(s): Mr.M.Kamalanathan

For Respondent(s): Mr.P.R.Thiruneelakandan

ORDER

It is stated by the learned counsel for the respondent that the arrears of maintenance has not been paid.

2. As per the decision of the Hon'ble Supreme Court reported in *Kaushalya v. Mukesh Jain*, (2020) 17 SCC 822 and *AIR 2021 SC 569 (Rajnish vs. Neha)*, if there was non-payment of interim maintenance, the appeal filed by the appellant cannot be maintained.

3. The appellant is directed to pay the maintenance on or before 29.01.2025, otherwise, this Court has no other option except to dismiss this Appeal as the appellant cannot maintain the appeal without paying the maintenance.

Post the matter on 29.01.2025.

(J.N.B.,J.) (R.S.V.,J.)

10-01-2025



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J.NISHA BANU,J.

and

R.SAKTHIVEL,J.

vsi

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