



CMSA(MD). No.27 of 2012

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Tuesday, the Eighth day of July Two Thousand and Twenty Five

PRESENT

The HONOURABLE MR. JUSTICE M.DHANDAPANI

CMSA(MD). No.27 of 2012

and

CMSA(MD). No.28 of 2012

V.Balaji

.. Appellant in both CMSAs

Vs

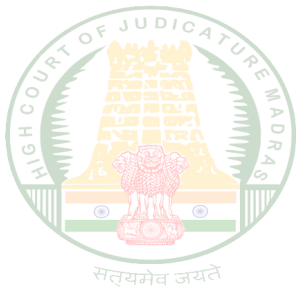
R.Vaishnavi

.. Respondent in both CMSAs

Prayer in CMSA(MD). No.27 of 2012 and CMSA(MD). No.28 of 2012 :-

Both the Civil Miscellaneous Second Appeals are filed under Section 28 of Hindu Marriage Act and section 100 of Civil Procedure Code, against the Judgment and Decree dated 21.08.2012 passed in C.M.A.Nos 4 and 5 of 2011 on the file of the of the Principal District Judge, Thanjavur, confirming the judgment and decree dated 25.01.2011 passed in H.M.O.P.No.175 of 2009 and H.M.O.P.No.130 of 2007 on the file of the Additional Subordinate Judge, Thanjavur.

ORDER:- These Civil Miscellaneous Second Appeals coming on for orders on this day and upon perusing the Grounds of Appeal and upon hearing the arguments of Thiru. A. Saravanan , Advocate for the Appellant in both Appeals and of Thiru. V.K.Vijayaraghavan, Advocate for the respondent in both Appeals, this Court made the following order:

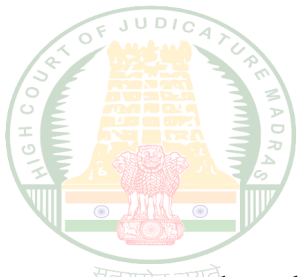


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"The petitioner in these petitions is the husband and the respondent is the wife. Their marriage was solemnized on 11.09.2000 and they are blessed with a male child. Now the child become major. While the child was minor, there was a matrimonial dispute between them. Therefore the husband filed a divorce petition in HMOP.No.175 of 2009 before the Additional Sub Court, Thanjavur and the wife filed a petition in HMOP.No.130 of 2007 for restitution of conjugal rights. A common order was passed on 25.01.2011 by the learned Additional Sub Judge, Thanjavur by dismissing the divorce petition filed by the petitioner/husband and allowed the restitution of conjugal rights petition filed by the respondent/wife. As against the said common order, the husband filed appeal before the lower appellate Court in C.M.A.Nos.4 & 5 of 2011 and the same were also dismissed by a common order dated 21.08.2012 by the learned Principal District Judge, Thanjavur. As against the concurrent finding, these present appeals are filed by the petitioner/husband.

2. The learned counsel for the petitioner would submit that though the trial Court and the lower appellate Court not awarded any interim maintenance, however, this Court while entertaining these appeals, directed the petitioner to pay a sum of Rs.15,000/- per month vide order dated 24.03.2014 and the petitioner paid the amount. However, the amount was not paid to the respondent for last four



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years. Thereby the petitioner filed the modification petition in C.M.P(MD)No.6489 of 2021.

3. The learned counsel for the petitioner would submit that as on date, the total arrears as claimed by the respondent is Rs.7,20,000/- and the petitioner do not have any means to pay the amount. However, he is ready to execute a settlement deed in favour of his son by reserving his life interest to reside in the property till his life time for which the petitioner wants to appear before this Court.

4. Hence, post the matter on 23.07.2025 for the appearance of the petitioner and for filing an affidavit with regard to the execution of the settlement deed."

Sd/-

Assistant Registrar (CS.II)

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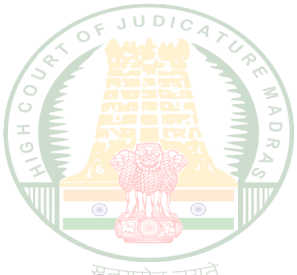
/ /2025

Sub Assistant Registrar
(CS-I/II/III/IV)

PJL

TO

1. The Principal District Judge,
Thanjavur,
2. The Additional Subordinate Judge,
Thanjavur



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1. The Registrar General,
Madras High Court,
Madras (For serving summon)
2. The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court,
Madurai

ORDER DATED : 08/07/2025
Hearing Date: 23/07/2025

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ORDER
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CMSA(MD). No.27 of 2012
and
CMSA(MD)No.28 of 2012

Giving direction and etc.
as stated within.

SL(14.07.2025)/4P/ 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.