



C.R.P.(NPD)No.1604 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 18.04.2024**

CORAM

**THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

**C.R.P.(NPD)No.1604 of 2024**

**and**

**C.M.P.No.8573 of 2024**

T.S.Venkatesan

.. Petitioner

Vs.

Bobby

.. Respondent

**Prayer** : The Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the judgment passed in C.A.No.224 of 2022 passed by the learned IV Additional Sessions City Civil Judge at Chennai dated 26.07.2023 by confirming the order passed in CrI.M.P.No.1789 of 2019 in D.V.C.No.35 of 2019 dated 15.07.2022 by the learned IX Metropolitan Magistrate, Saidapet at Chennai.

For Petitioner : Mr.M.Sarfudeen Ali Ahamed



C.R.P.(NPD)No.1604 of 2024

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### **ORDER**

The present Civil Revision Petition arises against an order passed by the learned IV Additional Sessions City Civil Judge at Chennai in C.A.No.224 of 2022, dated 26.07.2023 in confirming the order passed by the learned IX Metropolitan Magistrate, Saidapet at Chennai in CrI.M.P.No.1789 of 2019 in D.V.C.No.35 of 2019, dated 15.07.2022.

2. The petitioner before me is the husband. The respondent/wife has initiated proceedings before the learned IX Metropolitan Magistrate, Saidapet at Chennai in D.V.C.No.35 of 2019.

3. Pending the application under the D.V.C. Act, she took out an application in CrI.M.P.No.1789 of 2019 for grant of interim maintenance. The learned Trial Judge ordered payment of Rs.10,000/- per month towards interim maintenance, pending disposal of the main proceedings, namely, D.V.C.No.35 of 2019. Challenging the same, an appeal was filed before the learned IV Additional Sessions City Civil Judge at Chennai. The learned Judge dismissed the appeal on 26.07.2023. Against which, the present



C.R.P.(NPD)No.1604 of 2024

revision.

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4. Mr.M.Sarfudeen Ali Ahamed, does not dispute the relationship between the parties. He also does not dispute that this is only an interim maintenance ordered pending disposal of the D.V.C. proceedings. Unless and until, the interim maintenance that had been fixed is excessive and beyond the capacity of the husband, this Court, normally, should not be interfere with the discretion exercised by the Trial Court.

5. The parties, admittedly, were married on 03.02.2012. Due to reasons best known only to them, they are before the Court. The wife cannot survive a litigation on love and free air. The husband is duty bound to maintain his wife and the wife is entitled to file an application under D.V.C. Act to claim maintenance. Therefore, there is no question of lack of jurisdiction also.

6. A sum of Rs.10,000/- per month is, hardly, Rs.300/- per day. When the husband is earning five times of that amount, to interfere with order of interim maintenance under the power of revision would be extremely harsh



*C.R.P.(NPD)No.1604 of 2024*

on the ladyfolk. Therefore, I am not inclined to admit this revision.

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7. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

**18.04.2024**

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No

To

1.The IV Additional Sessions City Civil Court,  
Chennai

2.The IX Metropolitan Magistrate,  
Saidapet, Chennai



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*C.R.P.(NPD)No.1604 of 2024*

**V. LAKSHMINARAYANAN, J.**

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**C.R.P.(NPD)No.1604 of 2024**

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