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C.R.P.(PD).No.3633 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).No.3633 of 2024
and C.M.P.No.19766 of 2024

Stephenson

.. Petitioner

Versus

J.Debora

.. Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order, dated 20.06.2024 in CrI.M.P.No.294 of 2024 in D.V.C.No.156 of 2023 on the file of the Additional Mahila Court, Egmore, Chennai.

For Petitioner : Mr.B.Krishnan,
for Mr.M.Ramsekar

ORDER

This Civil Revision Petition arises against the order passed by the Additional Mahila Court, Egmore in CrI.M.P.No.294 of 2024 in D.V.C.No.156 of 2023, dated 20.06.2024.



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2. The petitioner is the husband. The engagement of the petitioner and respondent was on 09.12.2020. Their marriage was solemnized on 16.08.2021 as per the Christian rites and customs. Due to disputes and differences, the parties separated. The parties approached the Police authorities who tried to counsel the parties, and since it failed, the wife approached the Additional Mahila Court, Egmore, invoking the provisions of Section 12 of the Protection of Women from Domestic Violence Act, 2005.

3. Pending disposal of the said case, she filed a petition under Section 20 of the Protection of Women from Domestic Violence Act, 2005 seeking for interim maintenance. The said petition was received in Crl.M.P.No.294 of 2024. Notice was ordered to the petitioner/husband and he also filed a detailed counter-affidavit.

4. The learned Judge, after considering the petition and counter-affidavit, ordered the husband to pay a sum of Rs.10,000/- as interim maintenance pending disposal of the D.V.C proceedings. Challenging the same, the husband is on the revision.



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5. Heard Mr.B.Krishnan, learned Counsel for Mr.M.Ramsekar, learned Counsel for the petitioner.

6. Mr.B.Krishnan urges that the husband is not in a position to pay a sum of Rs.10,000/- per month and therefore, the amount being excessive, it should be reduced. He further adds that the wife is well-qualified and is capable of generating sufficient income. Therefore, the amount that was ordered by the Additional Mahila Court, Egmore requires interference. He further contends that the matter may be referred to mediation as the husband is interested in reunion with the wife.

7. I have carefully considered the arguments of Mr.B.Krishnan.

8. The wife claims that the husband is generating a sum of Rs.45,000/- per month while working in a Private Company. Though this aspect was denied by the husband, he has not produced any records before the Court below to show what his actual quantum of income is. Even if I were to go as per the statement made by the learned Counsel that the wife is



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well-qualified and is in a position to generate income for herself, that by itself is not a ground to deny interim maintenance to the wife. The purpose of granting interim maintenance is to enable the litigant, especially, an aggrieved wife to sustain the vagaries of litigation. She cannot be thrown to the wolves and he asked to fend for herself when the husband is generating income. The qualification and capacity of the wife, matters not, under the Protection of Women from Domestic Violence Act, 2005 while the Court is considering an application for interim maintenance. During the course of the proceedings, the civil revision petitioner has admitted that he is working in a Stores Department and generating a sum of Rs.35,190/- per month.

9. The learned Judge has fixed less than 1/3rd of his salary as interim maintenance namely, Rs.10,000/- per month. The principle relating to interim maintenance is that a party has to be maintained in the same capacity as she would have been in case she continued to live in the matrimonial home. I am of the firm view that in case the wife had continued to live with the husband, he would have spent not less than Rs.10,000/- on her. I do not think that the amount of Rs.10,000/-, especially for a person who is residing



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in Chennai, is excessive. This works out Rs.300/- per day which would be barely sufficient for a decent living.

10. In the light of the above discussion, I do not find any merits in the revision nor do I have any reason to interfere with the order passed by the Additional Mahila Court, Egmore, Chennai. However, taking into consideration the plea made by the learned Counsel for the petitioner, the learned Presiding Officer, Additional Mahila Court, Egmore shall enquire both the parties if they are willing for mediation. In case there is a possibility of settlement by mediation, he is requested to refer the parties for the said purpose.

11. With the above observations, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

17.10.2024

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs



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To
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The Additional Mahila Court,
Egmore, Chennai.



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V.LAKSHMINARAYANAN, J.

grs

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