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C.R.P.No.1859 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2025

CORAM

THE HONOURABLE MR. JUSTICE P.B.BALAJI

C.R.P.No.1859 of 2024 and
C.M.P.No.9782 of 2024

R.Venkatesan

... Petitioner

Vs.

Lalitha @ Chandra

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, pleaded to allow this Civil Revision Petition and to set aside the order made in M.P.No. 100 of 2021 in M.C.No. 180 of 2018 dated 24.01.2023 on the file of the V Additional Principal Family Court Judge at Chennai.

For Petitioner : Mr.Aravind Subramaniam, Senior Counsel
for Mr.L.Praveen Kumar

For Respondent : No appearance

ORDER

Mr.Aravind Subramaniam, learned Senior Counsel appearing for the petitioner submitted that despite the respondent being served and reasonable opportunity also been granted to the respondent, there has been no appearance on the side of the respondent. Hence, by order dated 25.07.2025, the revision has been directed to be listed under the caption “for orders”. Even today, there is no representation on the side of the respondent. Hence, I have proceeded to hear the learned Senior Counsel appearing for the petitioner.

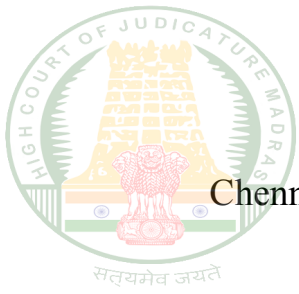


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The primary objection that is taken by the learned Senior Counsel is that in a maintenance claim under Section 125 of Cr.P.C, an application for interim maintenance under Section 24 of the Hindu Marriage Act, 1956 is not maintainable.

2. The learned Senior Counsel would invite my attention to the impugned order allowing MP.No.100 of 2021 which is an application for award of interim maintenance under Section 24 of Hindu Marriage Act. The main petition itself is one for maintenance in MC.No.180 of 2018. The application under Section 24 of Hindu Marriage Act cannot be invoked as an interlocutory application, in a maintenance claim, that to filed under Section 125 of Cr.P.C. If at all, the learned Family Court had reason to believe that wife was not being able to maintain herself and she had to be provided with interim maintenance, the maintenance case should have been expedited and orders should have passed in a maintenance claim instead of entertaining the application under Section 24 of Hindu Marriage Act in pending MC.No.180 of 2018 under Section 125 of Cr.P.C.

3. In view of the above, this Court is inclined to set aside the order dated 24.01.2023 passed by the V Additional Principal Family Judge,



C.R.P.No.1859 of 2

Chennai in M.P.No. 100 of 2021 in M.C.No. 180 of 2018.

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4. In view of the interim order granted by this Court at the time of admission, the maintenance claim would not have been proceeded with and hence, a direction is issued to the learned V Additional Principal Family Judge, Chennai to dispose of MC.No.180 of 2018, on merits and in accordance with law, within a period of three months from the date of receipt of copy of this order.

5. Accordingly, the civil revision petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

29.07.2025

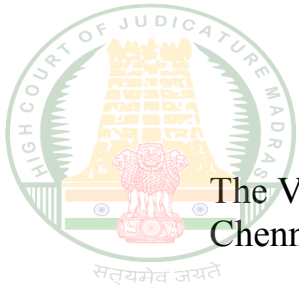
Index:Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No
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P.B.BALAJI, J.

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To

Page 3 of 4



The V Additional Principal Family Judge,
Chennai.

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C.R.P.No.1859 of 2



C.R.P.No.1859 of 2024 and
C.M.P.No.9782 of 2024

29.07.2025