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CRR-3235-2024

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE GAJENDRA SINGH

CRIMINAL REVISION No. 3235 of 2024

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Appearance:

Shri Arpit Singh - Advocate for the petitioner.

Ms. Saloni Ojha- Advocate for the respondents.

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WITH

CRIMINAL REVISION No. 2477 of 2024

.....
Appearance:

Ms. Saloni Ohja- Advocate for the petitioners.

Shri Arpit Singh - Advocate for the respondent.

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(Heard on: 19.09.2025)

(Delivered on: 22.09.2025)

ORDER

Criminal Revision No.3235/2024 under section 19 (4) of the Family Court Act, 1984 is preferred challenging the legality of order dated 19.04.2024 in MJCR No.242/2022 passed by the Third Additional Principal



Judge, Family Court, Indore (M.P.) whereby an amount of Rs.15,000/- has been awarded to the respondent no.1/wife and Rs.7,000/- to the respondent no.2/minor child and Rs.12,000/- has been awarded to the respondent no.3/minor child from the date of application i.e. 15.02.2022.

2. Criminal Revision No.2477/2024 under section 19 (4) of the Family Court Act, 1984 read with section 482 of the Cr.P.C.,1973 is preferred for enhancement of amount of Rs.34,000/- to Rs.2,00,000/- per month to petitioner no.1/wife, respondent no.2 and 3/ minor children.

3. Facts of the case in brief are that marriage was solemnized between husband- and wife 15.09.2018 as per rituals of hindu sikh. Out of the wedlock respondent no.2 and 3 were born on 09.11.2019 at Ahmedabad Gujarat and presently respondent no.2 and 3 are with respondent no.1.mother.

4. An application claiming Rs.2 Lacs per month for residence, medical treatment, transportation etc. was preferred on 15.02.2022 alleging harassment, neglect for maintenance, inability to maintain themselves and sufficient means of the husband. It is specifically alleged that during pregnancy it was revealed through sonography that she conceived twins children and one of the child is not in good health. She gave birth to twins and one of the born child was not in good health and the mother of the husband was not in favour that child came in the world with some ailment so he be removed because his whole life will be liability on the family and denied for his treatment. Thereafter, many acts of harassment and cruelty



were committed. Respondent no.1 alongwith children were sent to the maternal home of wife on March, 2020. No arrangement for maintenance including the treatment were made whereas revision petitioner/husband is running a transport business at Ahmedabad in the name of

and owns a luxurious home in Shahibhaug area of Ahmedabad, Gujarat.

5. Application was replied and all the allegations were denied and it was alleged that wife took her Streedhan on 24.02.2021 and went to the maternal home. His mother is old lady aged 68 years and suffering from various ailments. Wife is living separately without sufficient cause. He is the only child to the parents and he belongs to a humble background. Marriage was solemnized in a very simple arrangement. He took every efforts for the health of wife and children. Respondent no.1/wife did not disclosed that she is suffering from Thalassemia since her childhood and due to the negligence of wife child also contracted health issues. Wife always threatens to return to maternal home and in case he denies then she will harm herself. He does not possess sufficient means. His earning is revealed on the strength of 2 Mini Truck Vehicle. He got the house in gift and the house is very small whereas wife was earning 8,000/- to 10,000/- per month from

His father is also suffering from various ailments and he has to bear the medical expenses of the parents also. The amount is exclusively high hence, it has to be set aside or reduced.

6. The Family Court Indore has recorded the testimony of respondent



no.1/wife as PW-1 and admitted documents as Exhibit-P-1 to P-48. Revision petitioner/husband examined himself as DW-1 and adduced the documents Exhibit-D-1 to D-17.

7. Family Court Indore appreciated the evidence and recorded the findings that respondent no.1 wife earns no income due to the circumstances created by the ill health of younger son who is stroke affected and requires continuous care whereas husband is proprietor of and owns a luxurious home in Shahibhaug area of Ahmedabad, Gujarat and earns rental income and his per month income is Rs.70,000/- to Rs.80,000/-. Considering the educational, treatment expense maintenance was awarded partially to the extent as mentioned in para-1 of the judgment.

8. Challenging the order the Criminal No.3235/2024 is preferred on the ground that factors laid down in the case of **Rajnish Vs. Neha and another (2021) 2 SCC 324** has not been followed. The status of parties has not been taken into consideration. Reasonable needs of the wife and depended children has not been discussed, educational qualification of the wife has not been considered. Financial capacity of the husband, his actual income reasonable expenses, reasonable expenses for own expenses, expenses for ailing old aged parents have not been considered. Factum that respondent no.1 is residing separately without sufficient reasons has not been considered. It has not been considered that respondent no.1/wife has not disclosed the truth regarding her income. The Amount of maintenance is on



higher side if income of Rs.70,000/- to Rs.80,000/- per month is taken into consideration when revision petitioner is bearing the responsibility of old aged parents.

9. Heard.

10. Counsel for the wife and minor children opposes the revision petition and argued that revision petitioner/ husband could succeed in concealing his actual income on paper but his attempt is false in concealing the income through his luxurious life and expensive motor bike Harley Davidson.

11. Perused the record.

12. Regarding the scope and object of power of revision the following observations of the Apex Court in the case of **Malkeet Singh Gill Vs. The State Of Chhattisgarh (2022) 8 SCC 204** is being reproduced as below:-

"10. This Court would not ordinarily interfere with the concurrent findings on pure questions of fact and review the evidence again unless there are exceptional circumstances justifying the departure from the normal practice."

13. Marriage was solemnized on 15.09.2018 and as per para-18 of revision petitioner/husband the wife is living separately from 14.02.2021 and as per para-8 of additional reply of husband the dispute started since March, 2020 and in that para it is mentioned that younger son was not physically healthy and he was taken to Neonatal Intensive Care Unit for a period of one month & Exhibit-P/25 to P/29 reveals that respondent no.3 is



being treated for neuro rehabilitation at Hospital, Indore and due to chronic malnutrition and growth delay and requires regular follow up due to cystic encephalomalacia in left side of brain and exevation dilation of both excipital bones and cortical laminar necrosis. Accordingly the finding of the trial court that despite having educational qualification of MBA professional degree respondent no.1 is unable to maintain herself and minor children due to full time engagement in caring the respondent no.3 are not perverse. Dispute arose after birth of respondent no.3 with challenges and this is the mother/ respondent no.1 who is taking the challenges of all odds but the father who should have to take more challenges or atleast should have support the respondent no.1/wife is shirking the liability for one or another reasons. He is enjoying the personal life with expensive bikes. Here is not a case when a wife is claiming maintenance for her luxuries but claiming the maintenance due to the circumstances arose due to equal participation of revision petitioner/ husband and it is the bounden duty of the revision petitioner/husband to bear that duty with all sincerity and use all the resources but the arguments advanced by the revision petition/husband does not reflect his sincerity.

14. When the arguments are considered in the light of para-24, 26, 27, 30, 31 and 33 of the cross-examination of revision petitioner/husband examined as DW-1 this revision petition has no substance and is hereby dismissed with a cost of Rs.10,000/- which is payable to wife-

15. Now come to Criminal Revision No.2477/2024 which is preferred



on the ground that trial court has not considered the age and health conditions of the petitioners no.2 and 3, whereby the maximum resources, care and attention is required for the upbringing of the twins.

16. Considering the findings recorded in Para-59 and 60 of the judgment in the light of evidence adduced by the revision petitioner/wife and respondent/husband and the amount of maintenance awarded, the enhancement of the maintenance amount has no strength and accordingly Criminal Revision No.2477/2024 is dismissed.

(GAJENDRA SINGH)
JUDGE

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