



1

MCRC-52416-2024

IN THE HIGH COURT OF MADHYA PRADESH  
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 17<sup>th</sup> OF MAY, 2025MISC. CRIMINAL CASE No. 52416 of 2024*SMT. KALPANA GOYAL AND OTHERS**Versus**ANSHUL GOYAL*

.....  
Appearance:

*Shri SANjeev Kumar Mishra - Advocate for the applicants.*

*Shri Rajeev Shrivastava - Advocate for the respondent.*

.....

ORDER

Applicants have preferred this petition under Section 528 of BNSS being aggrieved by impugned order dated 4.10.2024 passed in Criminal Revision No.67/2024 by Second Additional Sessions Judge, Sabalgarh, District Morena for enhancement of interim maintenance amount.

2. It is an admitted position that marriage of the applicant No.1 with respondent was solemnized on 5.7.2011 and due to their wedlock they have blessed one daughter petitioner No.2 Ku. Drishti Goyal (12 years) and one son applicant No.3 Divyansh Goyal (09 years) and both the children are now residing with applicant No.1. Applicants had filed an application under Section 125 of Cr.P.C. before the Trial Court by stating that after the marriage, applicant No.1 has been harassed by respondent for non-fulfillment of demand of dowry and she was thrown from the house thereafter the applicants are residing in parental house of applicant No.1 and applicant



No.1 has no independent source of income. Applicants No.2 and 3 are the minor children. They are doing their studies. Respondents have huge movable and immovable property and gas agency in the name of his mother and also a firm in the name of Rajendra Kumar Goyal. After hearing both the parties, the Trial Court has directed the respondent to pay Rs.10,000/- per month to applicant No.1 and Rs.3000-3000/- per month to applicants No.2 and 3 as interim maintenance. Being aggrieved by the aforesaid, applicants have preferred a criminal appeal before the Revisional Court, same has been partly allowed and Revisional Court has directed to pay Rs.5000/- each to applicants No.2 and 3 as interim maintenance till final disposal of the case and maintenance amount of applicant No.1 has been affirmed. The applicants are aggrieved by insufficiency of maintenance amount fixed by the Courts below and preferred this petition before this Court.

3. Learned counsel for the applicants contended that from Samagra ID of respondent, it appears that he was living in joint family and joint business was conducted by respondent and his family members. Marriage card also shows that Ganesh Gas Agency was registered in the name of mother of respondent. They are also running petrol pump in the name of Ganesh Petrol Pump and jewelry shop namely Darshan Lal Gyanchand Saraf, therefore, the respondent has a sufficient source of income. The schooling charges of applicants No.2 and 3 are about Rs.24,000/- each yearly and tuition charges Rs.8000/- each yearly and cost of living is increasing day by day, therefore, aforesaid interim maintenance is not sufficient and prays for its enhancement.



4. Per contra, learned counsel for the respondent submits that no gas agency, petrol pump or jewelry shop was found in the name of respondent. Respondent has no sufficient source of income. The primary burden lies upon the applicants to prove the income of respondent, therefore, the impugned orders passed by the Trial Court are just and proper and do not deserve for any interference.

5. Both the parties are heard and perused the record.

6. From perusal of the record, it appears that the applicants have filed a document related with Samagra ID and some document related with Indian Oil Corporation, Bharat Petroleum Corporation but the gas agency was found in the name of Devicharan Bansal and Ganesh Petrol Pump was not found in the name of respondent. No copy of partner ship deed or any other relevant document has been produced by the applicants to establish that respondent and his family members are doing aforesaid joint business. Even the income tax return related with the respondent was not produced by the applicants, therefore, only on the basis of Samagra ID, there is no ground for taking any presumption regarding joint business of family of the respondent.

7. Looking to the facts and circumstances of the case and coupled with the living status of the parties, this Court is of the considered opinion that maintenance amount fixed by the Trial Court as well as the Revisional Court is just and proper and both the Courts below have not committed any legal error by passing the impugned orders, hence, no interference is warranted.

8. Resultantly, being devoid of merit, this petition deserves to be and is hereby **dismissed**.



9. Let a copy of this order be sent to the concerned Trial Court for information and necessary compliance.

**(ANIL VERMA)**  
**JUDGE**

(alok)