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**IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE**

**BEFORE  
HON'BLE SHRI JUSTICE PREM NARAYAN SINGH**

**ON THE 25<sup>th</sup> OF JANUARY, 2024**

**CRIMINAL REVISION No. 5280 of 2023**

**BETWEEN:-**

1. **SMT. SIMRAN KAUR W/O LOVEDEEP SINGH BHATIA,  
AGED ABOUT 27 YEARS,  
OCCUPATION: HOUSEWIFE  
R/O. 122, SAI BAGH COLONY,  
OPP. BILAVALI TANK, BHANDWA ROAD,  
INDORE (MADHYA PRADESH)**
2. **SUKHMAN SINGH MINOR THR GUARDIAN  
SMT. SIMRAN KAUR BHATIA  
W/O LOVEDEEP SINGH BHATIA,  
AGED ABOUT 27 YEARS,  
OCCUPATION: HOUSEWIFE  
R/O. 122, SAI BAGH COLONY,  
OPP. BILAVALI TANK, BHANDWA ROAD,  
INDORE (MADHYA PRADESH)**
3. **SACHMAN SINGH MINOR THR GUARDIAN SMT.  
SIMRAN KAUR BHATIA  
W/O LOVEDEEP SINGH BHATIA,  
AGED ABOUT 27 YEARS,  
OCCUPATION: HOUSEWIFE  
R/O. 122, SAI BAGH COLONY,  
OPP. BILAVALI TANK, BHANDWA ROAD, INDORE  
(MADHYA PRADESH)**

**.....PETITIONERS**

***(BY SHRI RAVINDRA SINGH CHHABRA SENIOR ADVOCATE WITH SHRI  
AMAN ARORA ADVOCATE)***

**AND**

**LOVEDEEP SINGH BHATIA  
S/O HARMAHENDRA SINGH BHATIA,  
AGED ABOUT 31 YEARS,  
OCCUPATION: BUSINESS  
R/O. 21, RITA PARK SOCIETY  
IN FRONT OF RACHNA SCHOOL,  
SAHI BAGH, AHMEDABAD (GUJARAT)**

....RESPONDENTS

*(SHRI ARPIT SINGH, ADVOCATE)***CRIMINAL REVISION No. 4344 of 2023****BETWEEN:-**

**LOVEDEEP SINGH BHATIA  
S/O HARMAHENDRA SINGH BHATIA,  
AGED ABOUT 32 YEARS,  
OCCUPATION: BUSINESS  
R/O 21 RITA PARK SOCIETY  
IN FRONT OF RACHNA SCHOOL  
SHAHIBAGH AHMEDABAD GUJRAT**

.....PETITIONER

*(SHRI ARPIT SINGH - ADVOCATE)***AND**

1. **SIMRAN KAUR W/O LAVEDEEP SINGH BHATIA,  
AGED ABOUT 27 YEARS,  
OCCUPATION: SCHOOL TEACHER  
R/O 122 SAIBAGH COLONY  
IN FRONT OF BILAWALI TANK  
KHANDWA ROAD INDORE  
(MADHYA PRADESH)**
2. **SUKHMAN SINGH MINOR जयते  
THROUGH NATURAL GUARDIAN MOTHER  
SIMRAN KAUR  
W/O LOVEDEEP SINGH BHATIA,  
AGED ABOUT 27 YEARS,  
OCCUPATION: SCHOOL TEACHER  
R/O. 122, SAIBAGH COLONY,  
IN FRONT OF BILAWAI TANK,  
KAHNDEWA ROAD, INDORE  
(MADHYA PRADESH)**
3. **SACHMAN SINGH MINOR  
THROUGH NATURAL GUARDIAN MOTHER  
SIMRAN KAUR  
W/O LOVEDEEP SINGH BHATIA,  
AGED ABOUT 27 YEARS,  
OCCUPATION: SCHOOL TEACHER  
122, SAIBAGH COLONY,  
IN FRONT OF BILAWAI TANK, KAHNDEWA ROAD,  
INDORE  
(MADHYA PRADESH)**

.....RESPONDENTS

**(SHRI RAVINDRA SINGH CHHABRA SENIOR ADVOCATE WITH SHRI  
AMAN ARORA - ADVOCATE)**

*These criminal revisions coming on for hearing this day, the court  
passed the following:*

**ORDER**

This order shall govern the disposal of these revision petitions under Section 397 read with Section 401 of Cr.P.C. and u/s 19(4) of Family Court Act 1984 as they are arisen out of same order dated 24.08.2023 passed by the learned Additional Principal Judge, Family Court, District-Indore in MJC (Cri.) No.242/2022, hence, they are heard analogously and are being decided by this common order.

2. These criminal revisions have been preferred under Section 397 read with Section 401 of Cr.P.C. and u/s 19(4) of Family Court Act by the Wife (self and on behalf of her children) & Husband respectively being aggrieved by the order dated 24.08.2023 passed by the Third Additional Principal Judge, Family Court, Indore (M.P) in M.J.C No.242/2022 whereby learned Principal Judge allowed the application for interim maintenance under Section 125 of Cr.P.C. filed by the petitioner/wife and directed the respondent/husband to pay Rs.20,000/- per month as maintenance in favour of wife and Rs.10,000/- each to both the children totalling to Rs.40,000/-.

3 . Brief facts of the case are that, wife/Smt. Simran Kuar filed an application under Section 125 of Cr.P.C. before the Family Court seeking maintenance from her husband/Lovedeep Singh. As per her application, she got married with her husband as per Hindu rights and rituals on 15.09.2018. Two little sons (twins) were born out their marriage. She stayed in her matrimonial house wherein the husband along with his family members started harassing and

torturing her for dowry. One of the twins was born unwell and having right side of the body non-functional. Wife alleged that the husband and his family members did not put any efforts for treatment of the unwell child. In turn they convinced the wife and her parents to kill the unwell child as they cannot afford of the child's treatment. On being refused by the wife she was sent to her maternal house. Later on the husband went to his in-laws' house apologized and took his wife along with children back home. After few days the husband and his family members started harassing and torturing her. Hence, she filed an application under Section 125 of Cr.P.C seeking interim maintenance for herself and her children.

4. The aforesaid facts were denied by the respondent/husband in his reply to the application filed by the wife. It is further submitted that wife herself started living in her maternal house on account of her husband refusing her demand of living separately from her in laws. Wife is a well qualified lady, a MBA graduate and working as teacher earning Rs.8,000/- to 10,000/- per month. It is further stated that the husband is responsible for his old aged parents and their medical treatment. Hence in the aforesaid averments husband prayed for dismissal of the application of interim maintenance.

5. Learned trial Court, on due consideration of the evidence adduced by the parties, allowed the application vide the impugned order and awarded monthly maintenance of Rs.20,000/- per month to the wife and Rs.10,000/- per month each to the children. Being aggrieved with the impugned order, both the parties have preferred the present revision petitions. In Criminal Revision No.4344/2023, this Court, after considering the arguments advanced by learned counsel for the parties and on perusal of record reduced the maintenance amount awarded by the trial Court to the tune of Rs.14,000/- per month to wife

and Rs.7,000/- per month each to the children so also the execution of the impugned order was stayed subject to the husband depositing the arrears maintenance amount within a period of four months in equal installments and on regular payment of monthly maintenance amount in future.

6. Learned Senior counsel submitted that though the trial Court has allowed the applicant under Section 125 of Cr.P.C, however, the interim maintenance amount awarded by the Family Court is on lower side looking to the income of the husband. Learned trial Court has failed to consider the educational expenses of the children and medical expenses met by the wife for treatment of unwell child who is suffering from Cystic Encephalomalacia due to which Rs.30,000/- medical expenses has to be borne by his mother. The husband is a business man and have earnings but has not disclosed the actual earnings in the affidavit which shows the concealment of the real income. It is further contended that while deciding the maintenance amount, the standard of living of the parties, as well as the income of the respondent has also to be taken into account, but the learned trial Court has failed to appreciate the aforesaid hence the impugned order is liable to be set aside. Further due to some misconception and non production of requisite documents, the maintenance amount awarded by trial Court has been reduced to Rs.14,000/- per month to wife and Rs.7,000/- per month each to the children vide order dated 20.10.2023 passed by this Court. Hence counsel prayed for setting aside of the impugned order as well as for enhancement of maintenance amount.

7. Learned counsel for the husband submitted that the maintenance amount awarded by the trial Court was reduced by this Court vide order dated 20.10.2023 after due consideration of the arguments advanced by counsel for

the parties and on perusal of documents filed along with the revision petition, therefore, the prayer for enhancement of maintenance amount is liable to be set aside

8. I have heard learned counsel for the parties and perused the record.

9. Having considered the contentions of learned Senior Counsel, it emerges that the order of the Family Court cannot be ascertained completely perverse or incorrect because the whole evidence was not available before the Court while passing the impugned order. However, it is also worth mentioning that in Cr.R. No.4344/2023, this Court has also passed the interim order after listening both the parties.

10. It is also not disputed that in the Cr.R. No.4344/2023, after hearing counsel for both the parties, the amount of interim maintenance awarded to wife was reduced from Rs.20,000/- to Rs.14,000/- so also the amount awarded to children were reduced from Rs.10,000/- to Rs.7,000/- each vide order dated 20.10.2023. Certainly the medical documents of the unwell child towards its treatment for Cystic Encephalomalacia has also not been produced at the time of passing of the said order. Since the order has already been passed by this Court, the same is not required to be recalled at this stage.

11. In view of the foregoing observations and discussions both the revision petitions are hereby disposed of with the specific direction to the trial Court to decide the matter before as early as possible, complying with the order dated 20.10.2023 passed in Cr.A.No.4344/2023, after due consideration of the evidence adduced by counsel for both the parties including the medical documents pertaining to the treatment of unwell child. Learned trial Court is also directed to pass a reasoned and cogent order by not being influenced by this order and the order passed by this Court on 20.10.2023.

12. A copy of this order be sent to the Court below concerned for information.

**(PREM NARAYAN SINGH)**  
**JUDGE**

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