



IN THE HIGH COURT OF MADHYA
PRADESH
AT INDORE
BEFORE
HON'BLE SHRI JUSTICE GAJENDRA SINGH

CRIMINAL REVISION No. 570 of 2024

SMT. LIPIKA PAL AND OTHERS

Versus

ASHISH

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Appearance:

Shri Lokesh Mehta - Advocate for the petitioners.

Ms.Geetanjali Tiwari - Advocate for respondent.

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Reserved on 24.07.2025

Pronounced on 30.07.2025

ORDER

This criminal revision under section 19 (4) r/w section 397 of the Cr.P.C, 1973 is preferred challenging the order dated 21.11.2023 in MJC No.809/2018 by Additional Principal Judge, Family Court, Indore whereby an amount of Rs.5,000/- per month to petitioner no.1 till her remarriage and Rs.2,000/- per month to petitioners No.2 & 3 each till they attaining majority has been awarded under section 125 of the Cr.P.C, 1973 from the date of order.

2. Facts in brief are that petitioner no.1 was married to



respondent on 25.11.2007 and a male child (petitioner No.2) was born in the year 2009 and a girl child (petitioner No.3) was born in the year 2014 to the couple. After the birth of girl child i.e. petitioner no.3, the respondent contracted a second marriage in the year 2015 and neglected the petitioners in maintaining the petitioners. They preferred an application on 05.07.2018 claiming maintenance of Rs.12,000/- to each petitioners.

3. The application was contested and it was submitted that he has no neglected the petitioners. The petitioner no.1 was adamant to live at her parental home. The petitioner No.1 insisted him for second marriage. Presently, he is suffering from slip disk and is earning only Rs.24,900/- per month. His parents are dependent on him.

4. The Family Court, Indore awarded the maintenance as mentioned in para-1 of this order and this revision petition is preferred for enhancement of maintenance.

5. Parties were directed to participate in the mediation proceedings but the mediation was failed and arguments were heard on merit.

6. The respondent/husband has opposed the enhancement of maintenance amount.

7. The Family Court, Indore has recorded the finding in



para-37 of the judgment that respondent no.1/husband earned Rs.49,251/- in December, 2018 as per the pay slip and his net salary was Rs.47,741/-/. The Family Court, Indore did not believe the defence of the respondent that now he earns only Rs.25,000/- per month and recorded that respondent/husband is economically competent person having sufficient means to maintain the petitioners.

8. Para-29 of the respondent examined as NAW No.1 and the document Ex.P/6 (Copy of the registration certificate issued by RTO, Indore) discloses that respondent/husband maintains a sedan car no.MP-09-CH-1175.

9. When the Family Court, Indore assessed that respondent/husband possesses sufficient means to maintain the petitioners, then it was its duty to assess the requirements of the petitioners as per the needs of education of the petitioners No.2 & 3 in Indore city and the expenses to bear the living cost and the Family Court failed to exercise its discretion properly.

10. Accordingly, this revision petition succeeds partly and taking into the needs of the petitioners and the liabilities of the respondent and the life style of the respondent, the maintenance amount of petitioner no.1/wife is enhanced from Rs.5,000/- per month to Rs.10,000/- per month and the petitioners No.2 & 3 from



Rs.2,000/- each to Rs.4,000/- each.

11. In the light of **Rajnish vs. Neha - 2021 (2) SCC 324**, the Family Court, Indore ought to have allowed the application from the date of filing of the application i.e. 05.07.2018, hence para-46 (1) of the impugned order dated 21.11.2023 by Additional Principal Judge, Family Court, Indore in MJC No.809/2018 is modified to the extent that the award dated 21.11.2023 be read as from the date of filing of the application i.e. 05.07.2018 and Rs.5,000/- per month be read as Rs.10,000/- per month to petitioner no.1 and the amount of Rs.2,000/- per month be read as Rs.4,000/- per month to petitioners no.2 & 3 each and the total maintenance amount of Rs.9,000/- be read as Rs.18,000/- per month.

(GAJENDRA SINGH)
JUDGE

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