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CRR-1707-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE GAJENDRA SINGH

CRIMINAL REVISION No. 1707 of 2025*ARUNA**Versus**YASHPAL SHARMA*

Appearance:

Shri Arpit Singh - Advocate for the petitioner.

Shri Ritu Raj Bhatnagar- Advocate for the respondent.

(Heard on: 02.02.2026)

(Delivered on 09.02.2026)

ORDER

This criminal revision under section 19 (4) of the Family Court Acts, 1984 is preferred by order dated 11.02.2025 in MJCR No.54/2022 by the Principal Judge, Family Court, Ratlam (M.P.) whereby application for maintenance preferred by revision petitioner has been rejected.

2. Facts in brief are that, revision petitioner was married to respondent on 10.11.2016 at city of Ratlam (M.P.). An application under section 125 of the Cr.P.C., 1973 claiming Rs.15,000/- per month was filed on 03.03.2022 alleging various acts of cruelty, neglect of maintenance, inability to maintain herself and sufficiency of means of the respondent/ husband.

3. Application was replied and it was submitted that earlier revision petitioner was working at NGT, Court, Pune and due to her negligence she was suspended from her job. He provided Rs.50,000/- to the revision



petitioner to clear her debts. The ornaments gifted at the time of marriage are with the revision petitioner. She always spent her time at Pune, Delhi and Mumbai on the ground that she has to pursue her case of suspension from NGT, Pune. He tried to help her in completing her LLB examination. She did not cooperate in conceiving. She denied to make physical relationship. He tried his best to reconcile but revision petitioner always make rumour regarding illicit relationship of the husband. His parents were forced to live in a rented house Alot. She preferred proceedings in a case under Protection of Women from Domestic Violence Act, 2005. She resides at her ancestral house. Family Court Ratlam has no jurisdiction to entertain this application. She was not residing at Brahman Gali, Taal, District Ratlam with the respondent/husband. He never committed culture with her. He earned his livelihood as a worker in a mobile repairing shop and have to bear the expense of 65 year old mother. Revision petitioner is a law graduate. She is not entitled for any maintenance.

4. Family Court recorded the evidence of revision petitioner as PW-1 and her maternal uncle Anil Kumar as PW-2. Respondent was examined as NAW-1. Appreciating the evidence trial court dismissed application on the ground that family court Ratlam have no jurisdiction to entertain this application as his residence in Ratlam City is not proved. Further it recorded the finding that revision petitioner is living separately without sufficient cause.

5. Challenging the impugned order this revision petitioner is preferred on the ground that the finding of lack of territorial jurisdiction is perverse as



if the finding of living separately without sufficient reason is also illegal. If he finds that the Court has no territorial jurisdiction then he had no jurisdiction to dispose off this application on merits.

6. Heard.

7. Counsel for the respondent opposed the revision petition and supported the order of Family Court.

8. Perused the record.

9. The marriage was solemnized at Ratlam (M.P.) Respondent/husband himself has filed the matter for divorce in the Court of Principal Judge, Family Court, Ratlam registered as RCSHM No.294/2023. If the wife is claiming that she resides at Alkapuri, Ratlam then there was no occasion to take the view regarding the lack of territorial jurisdiction. When the trial court has arrived to the conclusion that it had no territorial jurisdiction to try the suit then he ought not to have proceeded to decide the suit on merits and dismissed the application. Now come to the question regarding living separately without sufficient cause. If the wife is placed in hardship due to suspension from job then raising questions regarding her traveling to pursue her case cannot be justified. Trial court has recorded the finding of separate living without appreciating the fact in this perspective. Respondent has raised the ground that he supported the wife to complete her law graduation. His approach is appreciable but he has to support his wife further. Mere getting law education is not sufficient. There should be enrollment at the State Bar Council and she should have income. It is not on record that revision petitioner got enrolled as advocate. Pending litigation of govt. job justify her



in not getting enrollment at State Bar Council. Accordingly she could not be treated in the present position as able to maintain herself, when she is facing suspension from the job. On the contrary husband is also law graduate but he is not enrolled at State Bar Council and the reason may be that his work of mobile shop is running well. When he claim that he cleared the debt of revision petitioner then also it is proved that he has sufficient means and wife is in need of maintenance. Wife has absolute right over streedhan and due to the fact that streedhan is in the possession of wife, she cannot be deprived from claiming the maintenance.

10. Accordingly, the order passed by the Family Court, Ratlam (M.P.) is set aside and this revision petition is allowed. Considering the responsibilities as stated by the respondent/husband, he is directed to pay Rs.5,000/- per month to revision petitioner/wife as maintenance from the date of application i.e. 03.03.2022.

11. With the aforesaid, revision petition stands disposed off.

(GAJENDRA SINGH)
JUDGE

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