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CRR-2967-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE GAJENDRA SINGH

CRIMINAL REVISION No. 2967 of 2025*POONAMCHANDRA VERMA**Versus**PINKI VERMA AND OTHERS*

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Appearance:

Shri Akash Rathi - Advocate for the petitioner.

Shri Akshat Pahadia, learned counsel for the respondents.

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ORDER

(Heard on: 09.10.2025)

(Delivered on: 15.10.2025)

ORDER

This criminal revision under Section 397 of the Code of Criminal Procedure, 1973 read with section 19 (4) of the Family Court Act, 1984 is preferred challenging the legality of the order dated 18.06.2025 in Criminal Appeal No.51/2025 by the Session Judge, Shajapur arising out of order dated 15.05.2025 in MJCR No.113/2025 by the Judicial Magistrate First Class, Shajapur whereby an amount of Rs.25,000/- per month has been awarded in favour of the respondents as maintenance and residing order has been passed in favour of the respondent regarding House No.2/01 ward No.29 Near Dwarika Garden Lake Dera Road Kanja Railway Fatak Shajapur Tehsil District Shajapur (M.P.)

2. Facts of the case in brief are that respondent no.1 was married to the



revision petitioner on 10.05.2006 and respondent no.2 and 3 were born out of their wedlock but presently minor and are residing with respondent no.1/mother.

3. An application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred as "Act of 2005") was preferred by the respondent/wife on 20.03.2005 alleging domestic violence and seeking various reliefs under seeking various reliefs under Section 17, 18, 19 and 20 of the Act of 2005. An application under Section 23 of the Act of 2005 was filed and an application under under Section 23 (1) of the Act of 2005 was filed by the revision petitioner/husband as revealed from the impugned order as revision petitioner has not filed the reply on the ground that all the objections that respondent no.1 is residing separately since 2023. She earns Rs.45,000/- from working in health department. She filed a civil suit regarding house before First Additional Sessions Judge, Junior Division, Shajapur and case was registered as Civil Suit No.2/2025 and application for temporary maintenance has been rejected. Respondent no.1 have intention to take possession of the house. She has neither complying the decree of restitution of conjugal rights and have deserted the petitioner.

4. The J.M.F.C., Shajapur has allowed the application partially as mentioned in para-1 of the judgment and directed the revision petitioner/husband to deliver one portion of double storey house to respondents by vacating the same from the tenants.

5. Challenging the aforesaid impugned order this criminal revision is preferred. The main ground of challenge to the impugned order are that trial



court overlooked the home loan payments of Rs.51,000/- per month which is payable by the revision petitioner. Trial court ignored the fact that respondent no.1 is working as ANM in the Health Department and raises her income about Rs.75,000/- per month. Trial court also ignored that fact that husband agricultural land has been covered under the "Bandh Pariyojna" which has rendered the revision petitioner's own landholding insubstantial, and has eliminated a source of income from the same. An amount of Rs.25,000/- per month is unjustified and the claimed amount has not been justified.

6. Trial court has considered the fact that revision petitioner is a teacher in Govt. School and his earning is Rs.75,000/- per month and he also earns Rs.20,000/- as rent from the tenants and getting additional income from the agricultural land whereas respondent no.1 gets only Rs.45,000/- and respondent no.2 Tanishka Sharma is under treatment continuously. The so called tenants were entered by the revision petitioner/husband by executing lease deed. Adolescent girls requires save residence and accordingly interim relief has been affirmed by the Appellate Court.

7. Heard learned counsel for the parties and perused the record.

8. The scope of revision petition in a challenge to the order of interim maintenance is very limited in the light of *Malkeet Singh Gill Vs. The State of Chhattisgarh* (2022) 8 SCC 204 which is being reproduced as below:-

"10..... the scope of interference in revision is extremely narrow. The object of the provision is to set right a patent defect of an error of jurisdiction or law. There has to be well-founded error which is to be determined on the merits of individual case.



It is also well settled that while considering the same, the Revisional Court does not dwell at length upon the facts and evidence of the case to reverse those findings."

9. Houses are built so that children are protected. In this case, revision petitioner/husband is taking care of interest of the tenants instead of adolescent minor who are not only minor but one of them is facing health challenges and are also taking education. Trial Court as well as Appellate Court has recorded cogent reasons for allowing the application partially and quantify the amount of maintenance as well as passing the residing order as interim relief. Impugned order does not appears that it has been passed violating the legal principles. Revision petitioner has recourse as per the final outcome of the case. Apprehension of the revision petitioner cannot be recognized at this stage to the extent that respondents be deprived from basic minimum needs. Accordingly criminal revision is dismissed.

(GAJENDRA SINGH)
JUDGE