



IN THE HIGH COURT OF MADHYA
PRADESH
AT INDORE

BEFORE
HON'BLE SHRI JUSTICE GAJENDRA SINGH
ON THE 30th OF JULY, 2025

CRIMINAL REVISION No. 849 of 2025

ROOPESH BANSAL

Versus

SMT. VANDANA BANSAL

.....
Appearance:

Shri Prateek Maheshwari - Advocate for the
petitioner/husband.

Shri Amar Singh Rathore - Advocate for the respondent.

.....
WITH

CRIMINAL REVISION No. 716 of 2025

VANDANA

Versus

ROOPESH BANSAL

.....
Appearance:

Shri Amar Singh Rathore -Advocate for the petitioner/wife.

Shri Prateek Maheshwari - Advocate for the respondent.
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Reserved on 24.07.2025

Pronounced on 30.07.2025



ORDER

These criminal revisions under section 19(4) of the Family Courts Act, 1984 are preferred challenging the legality of the order dated 08.01.2025 in MJCR No.483/2023 by Principal Judge, Family Court, Indore whereby the revision petitioner/husband has been ordered to pay Rs.20,000/- per month from the date of application i.e. 24.04.2023 as interim maintenance till the final disposal of the application filed under section 125 of the Cr.P.C, 1973 and also to pay an amount of Rs.25,000/- as advocate's fee and expenses of the suit.

2. Facts in brief are that respondent was married to petitioner on 2.05.1997 at Indore and a male child was born to the couple on 13.12.1998 and is residing with respondent/mother. An application (Annexure P/8) was filed under section 125 of the Cr.P.C on 24.04.2023 claiming maintenance to the tune of Rs.2 lakhs per month and Rs.1 lakh as cost of the litigation asserting that revision petitioner/respondent is BE (Mechanical) and MBA (Marketing) degree holder and possesses huge properties as mentioned in para-22 of the application. The father of the respondent also possesses huge property as mentioned in para-23 of the application and mother of the respondent also possesses huge property as mentioned in para-24



of the application whereas respondent/wife is suffering from ailments and she has been advised to operate gallbladder for which Rs.1 lakh is probable expenses. She works as freelancer in Oriflame company but there is no fix income and another application (Annexure P/2) was filed for interim maintenance and affidavit (Annexure P/3) in the light of **Rajnesh vs. Neha - 201 (2) SCC 324** was also filed.

3. The application was opposed by filing reply (Annexure P/4) and the application for interim maintenance was opposed by filing reply (Annexure P/5) and the affidavit (Annexure P/6) was also filed and it was asserted that the allegations of harassment are baseless. The respondent/wife has sufficient source of income as mentioned in para-19 of the reply and the mandate of **Rajnesh vs. Neha -2021 (2) SCC 324** has not been fully complied in the affidavit of the respondent/wife and facts have been concealed regarding the income.

4. The Principal Judge, Family Court, Indore appreciated the documents filed by both the parties and allowed the application of the respondent/wife partially assigning the reasons mentioned in para-10 & 11 of the order which are being reproduced as under:

10. So. far as the income of the non applicant is



concerned, it is undisputed that the non applicant until 2019 was working as a senior Director in Concentrix Daksh Services India Private Ltd. He resigned from the job on his own volition. He received a total annual salary of Rs. 6206084/-as per Form No. 16 filed by the applicant. He has concealed his salary and the fact that he received 42, 69474/- as final settlement at the time of resignation from the Company. He has about 8 fdr's s with a total investment of 6.600.000/- with a maturity value of Rs. 7 434,841/-. He has a trading account in HDFC bank. Both the: parents. of the non applicant are income tax payees and hence are not dependent on the non applicant. Thus, from the above documents it is amply clear that the non applicant is an able bodied person earning a huge salary till 2019 and thereafter earning substantially from all the investments made by him.

11.The applicant, being the legally wedded wife has the right to spend the rest of her life as per the status of her. husband. Looking to all the circumstances of. the case the interim maintenance application of the. applicant is partly allowed. The non applicant shall pay Rs.20,000/-.



per-month from the date of application i.e 24/04/23 till the final disposal of the case. He shall also pay an amount of Rs.25000/- as Advocates fees and expenses of the suit.

5. Criminal revision No.849/2025 is preferred on the ground that no comparative analysis has been done by the Family Court, Indore regarding the income, liabilities and lifestyle of the parties before arriving at the adhoc interim maintenance of Rs.20,000/- per month with additional litigation expenses of Rs.25,000/- which were reproduced in para-vi of the petition. It is also raised in the petition that maintenance is granted for the destitutes to ensure a dignified standard of living for the vulnerable whereas the respondent/wife is earning much more than the petitioner/husband and is maintaining a lavish lifestyle. The respondent/wife refused to stay with him when he wanted to support his elderly parents. The Family Court has erred in relying on the allegations of petitioner's parents being income tax payees without considering the ITRs of more than 4-5 years ago. The income of the parents of the petitioner has no bearing on the application for maintenance of the respondent/wife. The wife is engaged with Oriflame, a multinational company as Gold Director for 14 years and she possesses assets worth more than Rs.2 crores inclusive of family jewellery worth more than 1.25 crores and she



has sufficient resources in the form of PPF account and fix deposits accounts. The son Manas will get a job with a package of more than Rs.50 lakhs upon completion of his MBA from IIM Bangalore. The trial court has granted interim maintenance and advocate's fee relying on the income of the petitioner 5 years back is contrary to law and the order of the Family Court is perverse. He relied on **Anil vs. Smt.Sunita - 2016 SCC OnLine MP 6368**, **Smt.Mamta jaiswal vs. Rajesh Jaiswal - 2000 (3) MPLJ 100**, **Shikha vs. Ananesh Mahodaya - 2024 SCC OnLine MP 5791** & **Niharika Ghosh @ Niharika Kundu vs. Shankar Ghosh - 2023 DHC 6553-DB**.

6. Criminal Revision no.716/2025 by the wife is preferred referring to **Kalyan Dey Chowdhury vs Rita Dey Chowdhury Nee Nandy - (2017) 14 SCC 200** on the ground that Family Court erred in disregarding the established principle of law that husband must bear reasonable legal expenses of the wife and prayed for enhancement of maintenance to the tune of Rs.2 lakhs per month from the date of application and also award of litigation expenses to the tune of Rs.1 lakh.

7. Heard.

8. Counsel for the respondent in criminal revision no.849/2025 has opposed the revision petition submitting that the



pointed entries in Annexure B/1 at page-11, 21 & 24 does not reflect the income of the respondent/wife. They are the debit and credit entries and the amount received is deposited to the company and only insignificant amount is received as income which is shown in the income tax returns.

9. Counsel for the respondent/husband in CRR No.716/2025 opposed the revision petition on the ground that an earning wife cannot claim maintenance.

10. Perused the record.

11. Firstly, the objection of the petitioner/husband in CRR No.849/2025 regarding the order of maintenance from the date of application has no substance in the light of *Rajnesh vs. Neha* - 2021 (2) SCC 324 as generally maintenance has to be awarded from the date of application.

12. Now come to the question of quantum of maintenance and the amount of maintenance. The apex Court in **Malkeet Singh Gill vs The State Of Chhattisgarh** - (2022) 8 SCC 204 has described the scope and object of the power of revision. Para-10 of the said judgment is reproduced as under:



10.the scope of interference in revision is extremely narrow. The object of the provision is to set right a patent defect or 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.

13. Scope of revision against the order of interim maintenance is very limited. The Family Court, Indore has considered the status of husband while awarding the interim maintenance. The wife has not concealed that she is working in Oriflame company as a freelancer but as per the status of the husband an amount of Rs.20,000/- per month has been awarded. The amount of interim maintenance is neither on the higher side nor on lower side and the impugned order even if considered in the light of additional documents filed through IA No.6013/25 & IA No.9095/25 do not indicate that there is illegality to interfere in the limited scope of revision. The contentions raised before this Court are to be decided after appreciating evidence and both parties have to cooperate for the early disposal of the main petition as the



evidence has not been adduced despite more than 2 years have been consumed before the Family Court. Hence, these revision petitions have no substance and are hereby dismissed.

(GAJENDRA SINGH)
JUDGE

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