

Court No. - 82

Case :- CRIMINAL REVISION No. - 3033 of 2023

Revisionist :- Shree Mati Nivedita Sharma

Opposite Party :- Vipin Kumar Gaur

Counsel for Revisionist :- Gopal Khare, Anupam Shukla, Gaurav Kumar Tiwari, Rohan Gupta

Counsel for Opposite Party :- Ashutosh Prasad Shukla

Hon'ble Ms. Nand Prabha Shukla, J.

Heard learned counsel for revisionist and learned counsel for opposite party.

This criminal revision has been filed by revisionist challenging the judgment and order dated 25.01.2023 passed by Additional Principal Judge Family Court, Bareilly in Case No. 615 of 2019 (Smt. Nivedita Sharma v. Vipin Kumar Gaur), under Section 125 Cr.P.C. Police Station Baradari, District Bareilly whereby aforementioned case has been allowed and monthly maintenance has been awarded in favour of complainant-opposite party-2 @ 8,000/ per month from the date of the order.

From the perusal of the record, it is apparent that by an ex parte order dated 25.01.2022, the Family Court awarded Rs.8,000/- p.m. as maintenance from the date of application. Subsequently, by the order dated 25.01.2023, the said order was modified directing for the payment of maintenance from the date of order. As the application for grant of maintenance under Section 125 Cr.P.C. was moved by the revisionist on 19.04.2019, therefore, it has been argued that in view of the mandate of the Apex Court in ***Rajnish Vs. Neha and Another*** reported in AIR 2021 SC 569 maintenance has to be awarded

from the date of the application and not from the date of order.

It has further been submitted that till date the revisionist has not been paid single amount of maintenance as awarded by the Family Court. Even the salary drawn by the opposite party no.2 while awarding has not been taken into account.

Keeping in view the aforesaid facts and circumstances, this revision is disposed of with a direction that in case the application is moved by the revisionist under the appropriate provision within a period of one month from today, the same shall be considered afresh in view of the mandate of the Hon'ble Apex Court in *Rajnish Vs. Neha and Another* (supra), if there is no other legal impediment in the light of aforesaid submissions.

It is further provided that opposite party shall pay the legal expenses of Rs.50,000/- through Demand Draft in favour of the revisionist within a period of three weeks from the date of order.

With the aforesaid directions, the criminal revision is **disposed of.**

Order Date :- 6.12.2023 / A.N. Mishra