

Court No. - 79

Case :- CRIMINAL REVISION No. - 2249 of 2022

Revisionist :- Madhvendra Bhushan Pachauri

Opposite Party :- State Of U.P. And 2 Others

Counsel for Revisionist :- Virendra Singh

Counsel for Opposite Party :- G.A.,Hitesh Pachori,Pramod Kumar
Sinha,Rahul Gaur

Hon'ble Vipin Chandra Dixit,J.

This criminal revision has been filed by the revisionist against the judgment and order dated 12.5.2022 passed by learned Principal Judge, Family Court, Gautam Buddha Nagar in Criminal Misc. Case No.311 of 2021 (Smt. Shweta Sharma and another Vs. Madhvendra Bhushan Pachauri), by which application for interim maintenance (Paper No. 12-Kha) filed on behalf of opposite party no.2, who is wife of revisionist was rejected and interim maintenance at the rate of Rs.50,000/- has been awarded to opposite party no.3, who is minor daughter of revisionist from the date of application i.e. 21.9.2021.

Heard Sri V. Singh, learned counsel for the revisionist, learned A.G.A. for the State, Sri P.K. Sinha, learned counsel appearing on behalf of opposite party nos.2 and 3 and perused the record.

It is submitted by learned counsel for the revisionist that the interim maintenance awarded by learned Family Court at the rate of Rs.50,000/- per month in favour of opposite party no.3 is highly excessive and without any basis. The opposite party no.2, who is wife of revisionist has left the house of revisionist along with her daughter without there being any sufficient reason and as such they are not entitled for any maintenance in view of provisions of Section 125(4) Cr.P.C. It is further submitted that opposite party no.2, who is wife of revisionist is well educated lady and she is owner of various properties and is having handsome income from rent, shares, debentures as well as from mutual funds and is able to maintain herself as well as her daughter. Lastly, it is submitted that learned Family Court after found that the opposite party no.2 is having sufficient source of income and is able to maintain herself, has rejected the application for interim maintenance on behalf of wife/opposite party no.2 but interim maintenance has been awarded at the rate of Rs.50,000/- per month in favour of daughter, which is highly excessive.

On the other hand, learned counsel appearing on behalf of opposite party nos.2 and 3 submits that admittedly the annual income of the revisionist is Rs.36,00,000/- and the interim maintenance at the rate of Rs.50,000/- per month in favour of minor daughter cannot be said to be excessive in any manner rather it is on the lower side looking at the status of the revisionist.

Admittedly, the opposite party no.3 is minor daughter of revisionist. The revisionist being father of opposite party no.3 is morally bound to discharge his legal obligation of maintaining his minor daughter in any circumstances. The father cannot be heard to say that he is not in a position to earn enough to be able to maintain his children.

Considering the facts and circumstances of the case as well as the admission of revisionist that his income is Rs.36,00,000/- per annum which comes to Rs.3,00,000/- per month and keeping in mind the spiralling inflation rate and high cost of living index, the Court is of the view that interim maintenance at the rate of Rs.50,000/- per month in favour of the minor daughter cannot be treated to be on higher side rather it is too meagre.

In view of above, there is no illegality, infirmity or perversity in the impugned order which may warrant any interference by this Court. No ground for interference is made out. The criminal revision filed by revisionist is liable to be dismissed.

The criminal revision is dismissed, accordingly.

However, it is provided that revisionist shall pay the entire arrears as on date in six equal monthly instalments to the opposite party no.3, failing which it is open to opposite party nos.2 and 3 to execute the order dated 12.5.2022 passed by learned Family Court.

Learned Family Court, Gautam Buddha Nagar/court concerned is directed to expedite and decide the pending application under Section 125 Cr.P.C. on merits after affording reasonable opportunity of hearing to the parties concerned, preferably within a period of four months from the date of production of certified copy of this order, unless there is any legal impediment.

Order Date :- 7.12.2023

Kpy