

Court No. - 29

Case :- CRIMINAL REVISION No. - 548 of 2020

Revisionist :- Smt. Reetu Devi @ Neetu Devi And Anr.

Opposite Party :- State Of U.P. And Anr.

Counsel for Revisionist :- Anil Kumar Singh

Counsel for Opposite Party :- G.A.,Abhinav Singh,Abhishek Kumar Singh,Anupam Singh,Anurag Dixit,Ramakar Shukla

Hon'ble Mrs. Renu Agarwal,J.

1. The instant revision under Section 19(4) of the Family Court Act has been preferred against the order dated 06.07.2020 passed by the Principal Judge, Family Court, Hardoi in Criminal Misc. Case No. 218 of 2018 (Smt. Reetu Devi and another Vs. Shyama Kumar @ Deepu) whereby the application of the revisionist was allowed and the opposite party was directed to pay maintenance to the tune of Rs. 2500 pm to revisionist No. 1 and to the tune of Rs. 1,000 pm to revisionist No. 2.

2. It is submitted by the learned counsel for the revisionist that the marriage of the revisionist was solemnized with the opposite party No. 2 on 25.04.2016 and the parents of revisionist had given dowry according to their capacity but the husband and her in-laws were not satisfied with the dowry and demand for extra dowry like gold chain, gold rings, refrigerator, cooler, washing machine, etc were made. One child was also born in the wedlock of the revisionist and the opposite party. It is further submitted that the applicant was thrown out from her

matrimonial house on 03.05.2018. It is also submitted that the opposite party No.2 has sufficient property like agricultural land and he is also engaged in the dairy business and is earning more than Rs. fifty thousand per month. It is lastly submitted that the learned court below without considering the above mentioned fact had awarded a very meager amount of maintenance to the revisionist.

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

4. It transpires from the records that the court below found that though it is alleged that the opposite party is in owner of agricultural and grove land, the same is not recorded in the name of the opposite party. The mother of the opposite party, is the owner of the agricultural and grove land hence, on the basis of ex parte evidence court awarded maintenance of Rs. 2500 per month to revisionist No. 1 and Rs. 1,000/- to revisionist No.2.

5. The revisionist did not file any documentary evidence at the stage of revision to show that there is any ground for enhancement of maintenance amount. The revisionist had equally efficacious remedy available for alteration of amount of maintenance in this changed circumstances under Section 127 Cr.P.C. Learned counsel conceded that trial court is not executing the ex parte decree on the pretext of revision being

pending in High Court and opposite party is not appearing in Court in spite of sufficient service to him. Therefore, the court is of considered view that no purpose will be solved by keeping this revision pending.

6. Moreover, there is no illegality, irregularity in the impugned judgment and no injustice will be caused to the revisionist as revisionist has remedy of moving application under Section 127 Cr.P.C.

7. Hence in the present circumstances the present revision has not force and is liable to be dismissed.

8. The revision is accordingly, **dismissed**.

(Renu Agarwal,J.)

Order Date :- 31.10.2023

Nadeem