HIGH COURT OF MADHYA PRADESH : JABALPUR

S.B : HON.SHRIJUSTICE VISHNU PRATAP SINGH CHAUHAN

Cr.R. No.1507/2019

Amit Jain

Vs.

Smt. Princy Jain

Shri Maneesh Soni, learned counsel for the applicant.
Ms. Shrishti Kashyap, learned counsel for the respondent.

Cr.R.No.3306/2019

Smt. Princy Jain

Vs.

Amit Jain

Ms. Shrishti Kashyap, learned counsel for the applicant.
Shri Maneesh Soni, learned counsel for the respondent.

O R D E R

(09/01/2020)

Both these revisions are arising out of the same order dated 06/02/2019 passed by the Principal Judge, Family Court, Sagar in M.J.C. No.201/2015 whereby disposing of the application filed under Section 125 of Cr.P.C., hence, both the revisions are being disposed of by this common order.

2. The dispute pending before the trial Court, in short, is that Amit Jain got married with Princy Jain on 04/12/2013 as per Hindu rites and rituals. After marriage Smt. Princy Jain went to her matrimonial house. In matrimonial house she was harassed and treated cruelly. She was not provided facilities and treating inhumanly. She was beaten by Amit Jain as well as his family members and starting demand of Rs.15,00,000/- for dowry. When she informed this fact to her mother-father, her parents borrowed Rs.15,00,000/- and provided the same to Amit Jain but inhuman behaviour of Amit Jain and his family members remained continued and again raised demand of Rs.5,00,000/- for dowry. When her parents refused to provide further amount, then Amit Jain left Smt. Princy Jain at her parental house and said that when they arrange Rs.5,00,000/-, then they will send Smt. Princy Jain at her matrimonial house otherwise she will have to face dire consequences. Since then Smt. Princy Jain is living with her parents. She has not been provided any money for her maintenance.

3. Smt. Princy Jain lodged a report at Sagar against Amit Jain as well as his near relatives. Amit Jain is posted as a Sr. Professor in Dhule and getting Rs.50,000/- per month as salary and also having three storied house thereby earning Rs.20,000/- as rent of the said house and Rs.5,000/- rent of the shop. Thus, he is earning total Rs.1,82,000/- per month. Smt. Princy Jain is in need of Rs.30,000/- per month for maintenance and she wants to continue her study further in MDS for which she has to pay Rs.20,000/- per month as a fee, therefore, she filed an application under Section 125 of Cr.P.C. praying therein for grant of Rs.50,000/- per month as maintenance amount.

4. Amit Jain who is husband of Smt. Princy Jain denied all the allegations made by Smt. Princy Jain against Amit Jain and his family members and specifically pleaded that criminal case lodged by Smt. Princy Jain was quashed by the High Court of Maharashtra under Section 482 of Cr.P.C. She is a Dental doctor and doing the said profession and earned money at

Bhopal. She was not interested to live with Amit Jain. She falsely made allegations against Amit Jain and his family members. Thereafter Amit Jain voluntarily resigned from service, therefore, he is not having any means of earning, thus, prayed for dismissal of the application.

5. After recording of the evidence and hearing the rival contentions of both the parties, learned Family Court passed the impugned order dated 6th February, 2019 allowing the application of Smt. Princy Jain and directed Amit Jain to pay Rs.10,000/- per month as maintenance allowance to his wife Smt. Princy Jain.

6. Being aggrieved by that order Amit Jain has filed Cri. Revision No.1507/2019 for setting aside the impugned order of maintenance and simultaneously Smt. Princy Jain has filed Cr. Revision No.3306/2019 for enhancement of maintenance amount to Rs.50,000/- instead of Rs.10,000/-.

7. Having heard learned counsel for the parties, perused the record of M.J.C. No.201/2015 wherein Smt.

Princy Jain recorded here statement which was cross-examined by counsel of Amit Jain. However, Amit Jain did not adduce any evidence (as per order sheet dated 13/10/2018).

8. It is admitted in the reply of main petition filed under Section 125 of Cr.P.C. by Amit Jain that his marriage was solemnized with Smt. Princy Jain on 04/12/2013.

9. Smt. Princy Jain (AW-1) stated that her father provided ornaments, other necessary utensils and articles amount to Rs.16,00,000/-at the time of marriage. When she went to the matrimonial house, Amit Jain and his relatives harassed and treated her inhumanly and they were passing taunt that she did not bring the proper dowry. Later on started demanding of Rs.15,00,000/-. She further stated that her father provided Rs.15,00,000/- to Amit Jain and his family members. Amit Jain purchased a house. After some time, Amit Jain and his family members again started demanding of Rs.5,00,000/-. When her parents refused to provide this

amount, Amit Jain and his family members treated her cruelly and sent her back to her parental house and stated that when they arrange the money, then they will send Smt. Princy Jain in the matrimonial house. Since then Smt. Princy Jain is residing in her parental house.

10. Perused the cross-examination of Smt. Princy Jain. In para-9 Smt. Princy Jain categorically admitted that her father is having two houses at Sagar and Bhopal. In para-10 she admitted that she was doing job in A.C.P.M. College and Amit Jain helped her in joining the job. She admitted that she is a Dental Doctor, therefore, she got the job.

11. After perusal of the whole statement of witness-Smt. Princy Jain, it is reflected that she is a legally wedded wife of Amit Jain. She is having professional decree of dental doctor and when she was in matrimonial house, she was doing job in A.C.P.M. College, Dhule, however, at the time of filing application she was not doing job because she is living with her parents. After perusal of document (Ex.D/1), it is reflected that there

was a dispute between Amit Jain and Smt. Princy Jain and Smt. Princy Jain lodged a criminal case against Amit Jain. It is reflected that Smt. Princy Jain is living separately from Amit Jain with sufficient cause and now she is living with her parents and is not doing any job. However, counsel appearing for Amit Jain has submitted that she is having professional degree and previously she was doing job, therefore, she can do the job and can earn money for her maintenance. Learned counsel appearing for Smt. Princy Jain has submitted that Smt. Princy Jain is not having any permanent means of earning and considering the status of Amit Jain as well as present price index of articles of basic needs, Rs.10,000/- per month as maintenance is a meager amount, therefore, it should be enhanced to Rs.50,000/-.

12. After hearing the rival submissions of both the parties, this Court is of the view that it is not disputed that Smt. Princy Jain is having a professional degree of dental doctor and previously doing the job when she was in matrimonial house. However, presently she is living with

her parents and there is nothing on record to show that she is doing permanent job for her maintenance and earned money. Amit Jain did not come in the witness box to adduce evidence on the point that she is having permanent source of income and can earn herself. This Court is of the view that learned Principal Judge, Family Court did not commit any error in awarding maintenance allowance to Smt. Princy Jain.

13. However, so far as quantum of maintenance amount is concerned, no doubt Smt. Princy Jain is having a technical/professional degree and she was doing a job when she was living at her matrimonial house. She is having an experience for doing job. In these circumstances, the maintenance for basic requirements should be awarded to Smt. Princy Jain, but the amount of maintenance should not also be awarded so high to live the luxurious life without fulfilling the marital obligations with Amit Jain. In these circumstances, this Court is of the firm view that Rs.10,000/- per month as maintenance allowance is sufficient in the present conditions. There is

no need to enhance this amount of maintenance from Rs.10,000/- to Rs.50,000/- per month.

14. On the basis of aforesaid discussions, both the criminal revisions are devoid of merit and the same are hereby dismissed without any order as to cost.

(Vishnu Pratap Singh Chauhan)
Judge

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