IN THE HIGH COURT OF UTTARAKHAND

AT NAINITAL

Criminal Revision No. 165 of 2012

Smt. Meera Yadav .....Revisionist

Versus

State of Uttarakhand and another .....Respondents

None appears for the revisionist.
Mrs. Mamta Joshi, Brief Holder for the State of Uttarakhand.
None appears on behalf of the respondent no. 2.

Dated: 01st September, 2019

Hon'ble N.S. Dhanik, J.

This revision is preferred against the judgment and order dated 26.07.2012 passed by the learned Judge, Family Court, Haridwar in Case No.89 of 2009, Smt. Meera Yadav vs. Sanjay Yadav, whereby the learned Judge, Family Court, Haridwar allowed the application filed u/s 125 Cr.P.C.

2. Brief facts of the case are that an application under Section 125 Cr.P.C. was moved by the revisionist-wife against the respondent no. 2-husband for granting interim maintenance. The learned Court below had dismissed the application of the revisionist under Section 125 Cr.P.C. Aggrieved thereby, the instant criminal revision has been preferred.

3. Mrs. Mamta Joshi, learned Brief Holder for the State submits that there is no illegality in the

impugned judgment and the court below has rightly rejected the application of the revisionist under Section 125 Cr.P.C. She further placed reliance on the judgment of this Court in the case of **Ganesh Nagarkoti vs. State of Uttarakhand** reported in **2010 (1) NCC 389**.

4. From the perusal of the impugned judgment, it is clear that the application of the revisionist-wife under Section 125 Cr.P.C. was dismissed on the ground that husband-respondent no. 2 is ready to keep his wife and son with him but the wife-revisionist was not agree with the same and claimed maintenance.

5. The court below held that the wife (revisionist herein) is residing separately with the husband (respondent no.2 herein) without any appropriate reasons. Husband is ready to keep her with himself. Respondent no. 2 has also instituted a suit for the restitution of conjugal rights under Section 9 of the Hindu Marriage Act. Yet the revisionist refused to live with her husband and claimed maintenance. Therefore, on these grounds and relying on the judgment of **Ganesh Nagarkoti vs. State of Uttarakhand** reported in **2010 (1) NCC 389**; the application of the revisionist (wife) filed under Section 125 Cr.P.C. was rejected by the Court below.

6. None appears for the revisionist. None was also present on the previous date also. Even on behalf of the respondent no. 2 none turns up.

7. Having perused the material on record and impugned judgment, I agree with the findings of the court below. There is no illegality or irregularity in the impugned judgment. Accordingly, the revision is liable to be dismissed.

8. Since the present revision lacks merit, accordingly, the same is dismissed and the order dated 26.07.2012 passed by the learned Judge, Family Court, Haridwar in Case No.89 of 2009, Smt. Meera Yadav vs. Sanjay Yadav, is hereby affirmed.

9. Let a copy of this judgment and order, along with the LCR, be sent back.

(N.S. Dhanik, J.)
01.09.2019

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