IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA

ON THE 5th OF FEBRUARY, 2024

CRIMINAL REVISION No. 218 of 2019

BETWEEN:-

RAJESH S/O SHRI MANOHARLAL TIWARI, AGED ABOUT 47 YEARS, OCCUPATION: GOVERNMENT SERVANT PORWAL MOHALLA TAARWALI KUIYA WARD NO.8 POST AND TEHSIL GAROTH DISTRICT MANDSAUR (MADHYA PRADESH)

.....PETITIONER

(NONE FOR THE PETITIONER)

AND

1. **REKHA TIWARI D/O SHRI KANHAIYALAL JI SHARMA, AGED ABOUT 43 YEARS, OCCUPATION: HOUSE WIFE 2/13 JAWAHAR NAGAR, BIRLA HOSPITAL ROAD, NANAKHEDA UJJAIN (MADHYA PRADESH)**

2. **ANSHUL (MINOR) THROUGH U/G MOTHER SMT REKHA TIWARI S/O SHRI RAJESH TIWARI, AGED ABOUT 14 YEARS, 2/13, JAWAHAR NAGAR, BIRLA HOSPITAL ROAD, NANAKHEDA, UJJAIN (MADHYA PRADESH)**

.....RESPONDENTS

(NONE FOR THE RESPONDENTS)

This revision coming on for orders this day, the court passed the following:

ORDER

It is noted that on 20.11.2023, no one appeared for the parties. Today also no one appeared for the parties. The revision is pending since 2019. In view of the aforesaid, the matter is considered on merit.

2. The present revision is filed under Section 19(4) of Family Court Act,

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1984 r/w Section 397, 401 of Cr.P.C. against the order passed by Additional Principal Judge, Family Court, Ujjain on 11.10.2018 in Miscellaneous Criminal Case No.156/2016.

3. Facts of the case are that the non-applicants have filed an application under Section 125 of Cr.P.C. against the applicant claiming maintenance to the tune of Rs.60,000/- per month with the averment that the non-applicant No.1 was married to applicant on 23.04.1994 according to Hindu rituals and two children were born out of this wedlock namely, Urvashi and Anshul (non-applicant No.2) and non-applicant No.2 lives with her mother non-applicant No.1 and Urvashi got married to Gaurav Tiwari in the year 2016.

4. It is alleged that applicant along with his relatives have started scolding and tortured the non-applicant No.1 in context that she has brought less gift from her father's home. She further alleged that from the very first day of her marriage, the applicant and his relatives have started torture the non-applicant No.1 in context of less gift bought by her from her father's home. It is further alleged that first time after the marriage the applicant demanded Rs.5,00,000/- from the non-applicant No.1 and it is also alleged that the applicant said to the non-applicant No.1 that he does not like her and he wants to do second marriage. That many times applicant has sent non-applicant No.1 to her parental home and by making several requests by her and family of applicant came and took non-applicant No.1 with him at his home. It is further alleged that after the birth of the children also there was no change in the behaviour of the applicant and after that the applicant has gone from his home for several days and when he returned back to home and when non-applicant enquired that where he was gone then the applicant misbehaved with the non-

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applicant No.1 and said that he has done second marriage.

5. The trial Court considered the statement of the respondent, who has stated that after the marriage the present applicant started demanding dowry of Rs.10 lacs ornaments and vehicle and for the said reason, he started subjecting to her cruelty. He used to beat her and also threatened for second marriage. He used to drink heavily and thereafter used to beat her. She also stated that for the said reason, she had no option, but to live separately with father. She has no income. It was stated that the applicant is engaged in business of Tour and Travels and earn Rs.1 lac per month. The trial Court after considering the evidence of both the sides held that the respondent has reasonable cause to live separately from the applicant and is entitled for maintenance. The trial Court further held that the present applicant is working as UDC in Education Department and as per NA-3, his salary in the month of October 2016 was Rs.37,187/-. In view of the aforesaid, the trial Court awarded maintenance of Rs.10,000/- to respondent/wife and Rs.5000/- to respondent No.2 till he attains majority. The aforesaid order is well considered after evaluating all the facts and evidence.

6. In view of the aforesaid, this Court does not find any illegality or perversity in the order awarding the maintenance to the respondents. The revision is **dismissed**.

(VIJAY KUMAR SHUKLA)
JUDGE

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