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. 2780 of 2018

BETWEEN:-

KARTIK @ ANKUR S/O SHYAMLAL RATHORE, AGED ABOUT 29 YEARS, OCCUPATION: NONE INDRA NAGAR, UJJAIN (MADHYA PRADESH)

.....PETITIONER

(NONE FOR THE APPLICANT)

AND

BHAGYASHREE W/O KARTIK RATHORE, AGED ABOUT 26 YEARS, OCCUPATION: HOUSEWIFE INDRA NAGAR, UJJAIN/ IN PRESENT CHATRACHAYA COLONY, PITHAMPUR, (MADHYA PRADESH)

.....RESPONDENT

(NONE FOR THE RESPONDENT)

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

ORDER

It is noted that on 06.11.2023 and 08.01.2024 also, no one appeared on behalf of the applicant. The revision is pending since 2018. In absence of counsel for the parties, the matter is considered on merit.

2. The present revision is filed under Section 19(4) of Family Courts Act, 1984 against the order dated 28.04.2018 passed by Principal Judge, Family Court, Dhar in Miscellaneous Criminal Case No.2000057/2018 whereby the application filed by the respondent under Section 125 Cr.P.C. has been partly allowed and the applicant has been directed to pay Rs.6,000/- per month

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maintenance to the respondent.

3. Upon perusal of the record and the pleadings, it is evident that a marriage was solemnized between applicant and respondent on 27.02.2015. It is stated that after the marriage, the applicant started harassing the non-applicant for not bringing the dowry and used to physically torture her. For the said reason, she had withdrawn herself from the company of the applicant and started living with her mother. The applicant had denied the aforesaid allegations of the demand of dowry and cruelty. The applicant held that the respondent has also filed a case under Section 498-A of IPC against the present applicant and thereafter he filed an application under Section 9 of Restitution of Conjugal Right. In para-10 of her statement, she stated that she is willing to live with the applicant. In view of the aforesaid, the Court held that the respondent is entitled for maintenance as she was forced to live separately for the said reason. Regarding income, it is held that the applicant could not adduce evidence, however, considering the moderate income of educated person, the Court awarded Rs.6,000/- per month to the respondent/wife.

4. In view of the aforesaid, this Court does not find any illegality or perversity in the order awarding the maintenance to the respondent and the amount awarded by the trial Court is just and proper. The revision is **dismissed**.

(VIJAY KUMAR SHUKLA)
JUDGE

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