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. 3974 of 2023

BETWEEN:-

CHINTAN GUPTA S/O SHRI PREMSHANKAR JI GUPTA, AGED ABOUT 46 YEARS, OCCUPATION: JOB R/O 72 REVENUE NAGAR INDORE (MADHYA PRADESH)

.....PETITIONER

(BY SHRI DEEPTANSHU SHUKLA - ADVOCATE)

AND

1. **POOJA GUPTA D/O SHRI RAMKUMAR GUPTA, AGED ABOUT 41 YEARS, OCCUPATION: JOB R/O 912 A SUDAMA NAGAR INDORE (MADHYA PRADESH)**

2. **SHRISHTI GUPTA D/O CHINTAN GUPTA, AGED ABOUT 18 YEARS, OCCUPATION: STUDENT 72, REVENUE NAGAR INDORE (MADHYA PRADESH)**

3. **SHUBHI GUPTA THROUGH MOTHER POOJA GUPTA D/O RAMKUMAR GUPTA, AGED ABOUT 41 YEARS, OCCUPATION: JOB 912A, SUDAMA NAGAR INDORE (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI AMIT KUMAR AGNIHOTRI - ADVOCATE FOR THE RESPONDENT NOS.1-3)

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

ORDER

The present Revision is filed under Section 397 of Cr.P.C r/w Section 19(4) of the Family Courts Act, 1984 being aggrieved by the order dated 27/7/2023 passed by IIIrd Additional Principal Judge, Family Court, Indore in

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case No.MJCR 797/2018 whereby the Family Court has declined to award maintenance to the respondent Nos.1 & 2, however, awarded Rs.20,000/- per month interim maintenance to the respondent No.3 from the date of application.

2. Upon perusal of the impugned order, the Court has held that the present petitioner is working as Scientist and is earning Rs.96,050/- per month salary.

3. Counsel for the petitioner submits that the petitioner has huge liability, therefore, the award of Rs.20,000/- from the date of application is on excessive side. According to him the arrears is more than Rs.13,00,000/- because the maintenance has been awarded from the date of application. The final case for maintenance is pending and the same is likely to be concluded, however, he does not challenge, so far the award of maintenance of Rs.20,000/- per month to respondent No.3 is concerned. He is only aggrieved with the amount from the date of application.

4. Counsel for the respondents submits that the order of interim maintenance is appropriate and does not call for any interference.

5. After hearing learned counsel for the parties and taking into consideration the interim maintenance was awarded after nearly 5 years by the Family Court and the final case for maintenance is pending, the impugned order is modified to the extent that the maintenance of Rs.20,000/- to the respondent No.3 shall be paid from the date of order i.e. 27/7/2023 and the arrears shall be subject to the final outcome of main petition. The petitioner shall pay arrears of maintenance to respondent No.3 from 27/7/2023 and shall continue to pay maintenance of Rs.20,000/- per month without committing any default. The petitioner shall deposit the arrears within period of 15 days from today without seeking any further time. He shall also continue to pay monthly maintenance of

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Rs.20,000/- to the respondent No.3. The Family Court is expected to conclude the proceedings expeditiously.

6. With the aforesaid, the present Revision is **partly allowed and disposed off.**

(VIJAY KUMAR SHUKLA)
JUDGE

PK

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