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**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
BEFORE**

HON'BLE SHRI JUSTICE DEEPAK KUMAR AGARWAL

ON THE 28th OF JUNE, 2023

CRIMINAL REVISION No. 4939 of 2022

BETWEEN:-

**JITESH SHARMA S/O SHRI SHIVPRASAD SHARMA,
AGED ABOUT 39 YEARS, OCCUPATION: PVT. SERVICE
RESIDENT OF B-99/100 SISODIYA COLONY DISTRICT
GUNA (MADHYA PRADESH)**

.....PETITIONER

***(SHRI NAROTTAM SHARMA, LEARNED COUNSEL FOR THE
PETITIONER)***

AND

**ADITI @ MITHI D/O SHRI JITESH SHARMA, AGED ABOUT
6 YEARS, RESIDENT OF NEAR MOOL SINGH DADA BHA
KI KOTHI B.G. ROAD DISTRICT GUNA (MADHYA
PRADESH)**

.....RESPONDENT

(SHRI PRATIP VISORIYA, LEARNED COUNSEL FOR THE RESPONDENT)

.....
*This revision coming on for ADMISSION this day, the court passed the
following:*

ORDER

Petitioner has preferred this criminal revision under Section 19(4) of Family Courts Act read with Section 397/401 of CrPC challenging order dated 30-11-2022 passed by Principal Judge, Family Court, Guna in MJCR 91 of 2018, rejecting the application filed by previous wife of petitioner under Section 125 of CrPC awarded maintenance in favour of respondent minor girl to the tune of Rs.20,000/- per month w.e.f. 9th May, 2018 i.e. from the date of filing of application.

It is contended by counsel for the petitioner that at the time of awarding maintenance amount aforesaid in favour of respondent- minor girl, she was two years of age and at present she is about six years of age. His minor girl respondent was taken away by his previous wife and she is living in adultery with one Ram Yadav. During pendency of application filed under Section 125 of CrPC, a divorce petition was filed by petitioner and the same has been allowed vide judgment dated 10th September, 2022 in HM No. 43 of 2018. The learned Family Court has erred in awarding exemplary maintenance amount to the tune of Rs.20,000/- per month in favour of his minor daughter alone which is on the higher side. Previously, petitioner was engaged in a private firm as selling off transformer business but at present, due to bank loan on the Firm, most of sale proceeds were spent by him in regard to repayment of bank loan amount. He is under acute debt and financial distress and, therefore, he is not able to pay aforesaid huge amount to the minor daughter which is on the higher side.

Learned counsel for respondent vehemently opposed contentions of petitioner and submitted that the learned Family Court has rightly passed the impugned order. Hence, prayed for dismissal of this revision.

Considering the facts and circumstances of the case as well as keeping in view the standard of living of rival parties, the maintenance amount to the tune of Rs.20,000/- per month awarded by Family Court vide impugned order dated 30-11-2022 in favour of minor girl- respondent appears to be not appropriate. Under these circumstances, the same is reduced to the tune of Rs.7,500/- which shall be paid by the petitioner to his minor daughter- respondent.

With aforesaid modification, this revision **stands disposed of and is partly allowed.**

(DEEPAK KUMAR AGARWAL)
JUDGE

MKB

