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CRR-4655-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE GAJENDRA SINGH

CRIMINAL REVISION No. 4655 of 2025*MADHU AND OTHERS**Versus**HEMENDRA KUMAR*

.....
Appearance:

Shri Bhuvneshwari Mishra - learned counsel for the petitioners.

Shri Nilesh Manore - learned counsel for the respondent.

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HEARD ON 06.05.2026

POSTED ON : 29.05.2026

ORDER

This criminal revision under Section 19(4) of the Family Courts Act, 1984 has been preferred by the revision petitioners being aggrieved by the order dated 11.08.2025 passed in MJCR No.48/2024 by the Principal Judge, Family Court, Neemuch, whereby maintenance of Rs.5,000/- per month has been awarded to petitioner No.1/wife and Rs.2,000/- per month has been awarded to petitioner No.2/minor daughter from the date of application, i.e., 22.02.2024.

02. Brief facts of the case are that the marriage between petitioner No.1 and the respondent was solemnized on 09.12.2001 at Village Bawal, Tehsil Jawad, District Neemuch, Madhya Pradesh, according to Hindu rites and customs in the presence of family and community members. Out of the



said wedlock, two children were born. The elder son has attained majority, whereas the younger daughter, Chestha, is still minor and residing with petitioner No.1/mother.

03. The petitioners filed an application under Section 125 of Cr.P.C. on 22.02.2024 alleging various acts of cruelty, including physical assault, harassment, and economic exploitation by the respondent. It was further alleged that the respondent neglected and refused to maintain the petitioners despite having sufficient means. The respondent was stated to be earning approximately Rs.80,000/- per month and also possessing immovable properties yielding annual income of around Rs.15,00,000/-. On these allegations, maintenance of Rs.50,000/- per month was claimed.

04. The respondent opposed the application by filing a reply denying all allegations of cruelty and neglect. It was contended that the elder son is pursuing B.Tech. at Jaipur, Rajasthan, and the respondent is bearing educational expenses amounting to Rs.5,45,000/- per annum along with monthly pocket of Rs.5,000/- to Rs.7,000/- per month. It was also stated that petitioner No.1/wife is suffering from a heart ailment requiring substantial expenditure on treatment. The respondent further alleged that petitioner No.1/wife had deprived him of conjugal rights and used to create disputes on account of unfounded suspicion regarding his female colleagues. It was further submitted that the respondent had filed a petition for restitution of conjugal rights and that no case for grant of maintenance was made out.

05. The trial Court recorded the testimony of petitioner No.1 as PW-1 and petitioner No.2 as PW-2. Documents Exhibits P/1 to P/18 were exhibited



on behalf of the petitioners. The respondent examined himself as DW-1 and produced documents Article D/1 and Article D/2.

07. Upon appreciation of evidence, the trial Court partly allowed the application and awarded maintenance as mentioned hereinabove. The trial Court recorded a finding in paragraph 28 of the impugned order that the petitioners were unable to maintain themselves and that the respondent was a person having sufficient means. However, considering that the respondent was making partial arrangements for maintenance and was also responsible for maintaining his aged parents, the aforesaid maintenance amount was awarded.

08. Challenging the quantum of maintenance, the present revision petition has been filed seeking enhancement of maintenance to Rs.20,000/- per month for petitioner No.1 and Rs.10,000/- per month for petitioner No.2.

Heard.

09. Learned counsel for the respondent opposed the revision petition.

Perused the record.

10. As per the pay slip for May, 2024 (Article D/2), the respondent is working as a Middle Teacher. His basic salary is Rs.55,900/-, gross salary is Rs.81,130/-, and net salary is Rs.72,915/- per month. The respondent is physically challenged. Article D/1 is not relevant for adjudication of the present controversy. It is undisputed that the respondent is a government servant.

11. Petitioner No.2 is studying in Carmel Convent Senior Secondary School, Neemuch, and was admitted in the academic session 2024-2025 in



Class XI, as reflected from Exhibit P/18. Petitioner No.2, while examining herself as PW-2, specifically stated that only the school fees mentioned in Exhibit P/18 had been deposited by the respondent and thereafter no other educational or personal expenses were borne by him.

12. Children pursuing school education cannot be left at the mercy of the parents. If the respondent/husband claims that he is voluntarily bearing educational expenses, such payment cannot dilute his statutory obligation to maintain his wife and minor daughter. The trial Court has also ignored the source of income from agricultural land reflected in Exhibit P/7, which stands in the name of the respondent's father.

13. The wife and daughter of a government servant cannot be compelled to survive merely on the mercy of the husband. The respondent cannot be permitted to discriminate between the educational expenses of the son and daughter. If the respondent is bearing substantial expenses for the technical education of the major son, the same cannot be a ground to restrict reasonable maintenance and educational support to the minor daughter. Further, the father of the respondent is a pensioner and receiving pensionary benefits.

14. The minor daughter deserves priority consideration over the major son. The expression "maintenance" includes the right to live with dignity.

15. Considering the income of the respondent, rising cost of living, educational needs of petitioner No.2, and overall facts and circumstances of the case, this Court is of the opinion that the amount awarded by the trial Court requires enhancement.



16. Accordingly, the revision petition is *partly allowed*. The amount of maintenance awarded by the trial Court is enhanced from Rs.5,000/- to Rs.7,500/- (Rupees Seven Thousand Five Hundred Only) per month in favour of petitioner No.1/wife and from Rs.2,000/- to Rs.10,000/- (Rupees Ten Thousand Only) per month in favour of petitioner No.2/minor daughter, payable from the date of application, i.e., 22.02.2024.

17. The amount already deposited shall be adjusted accordingly.

18. A copy of this order be sent to the learned Family Court concerned for information and compliance.

Certified copy, as per rules.

(GAJENDRA SINGH)
V. JUDGE

VS