



**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

BEFORE

HON'BLE SHRI JUSTICE GAJENDRA SINGH

ON THE 22th OF MAY, 2026

CRIMINAL REVISION No. 3517 of 2019

SMT. CHANDA BAI @ CHANDARBAI AND OTHERS

Versus

MAYARAM AND OTHERS

Appearance:

Shri Mohit Matta – Advocate for the petitioners (through video conferencing).

Reserved on : 08.04.2026

Pronounced on : 22.05.2026

ORDER

This criminal revision, filed under Section 397/401 of the Cr.P.C., 1973 is preferred being aggrieved by the order dated 30.05.2019 in CRA No.378/2018 by Additional Sessions Judge, Tarana, Ujjain arising out of order dated 18.06.2018 in RCT No.20/2018 by JMFC, Tarana, Ujjain, whereby, relief sought under Section 20 and 22 of Protection of Woman from Domestic Violence Act 2005 has been partly allowed.

2. The facts of the case in brief are that the revision petitioner No.1 Chandabai was married to Mayaram as per Hindu Rituals and customs and revision petitioner No.2 Manisha was born out of the said wedlock and after the birth of girl child, revision petitioner No.1 was subjected to domestic violence. Respondent No.1 Mayaram performed second marriage with Sushila (respondent No.2) and all the family members were involved in arranging the second marriage of



respondent No.1 with respondent No.2. Petitioner No.1 preferred an application for maintenance under section 125 of the Cr.P.C., before JMFC, Tarana, Ujjain. In these proceedings, a family settlement was arrived at and for maintenance she was given land bearing Survey No.339/2, area 0.10 hectare, land Survey No.380/2 area 0.25 hectare, land Survey No.564/2 area 0.40 hectare situated at village Banjari and agricultural land bearing Survey No.14/1 area 0.50 hectare situated at village Limboda was settled in favor of Chandabai and the settlement was affirmed in the Court of JMFC, Tarana vide order dated 07.07.2011. When order dated 07.07.2011 was not complied with, revision petitioner No.1 preferred an application for mutation but revenue authorities rejected the prayer vide order dated 24.12.2011 in Revenue Case No.43/A,27/10-11.

3. The appeal before SDO was allowed and vide order dated 06.07.2012 in Case No.6/Appeal/2011-12, the name of revision petitioner No.1 was mutated in the revenue record. The order of SDO was challenged before the Additional Commissioner, Ujjain and vide order dated 26.08.2013 in Case No.593/Appeal/2011-12, the challenge to the order of SDO was unsuccessful. Despite these orders, the revision petitioners are deprived from agricultural operations and their crops are being destroyed.

4. The complaints to Collector, Ujjain, and police station: Maksi, Shajapur are in vain because respondents are politically supported persons and they caused huge loss alongwith mental harassment. The respondent No.3 and 5 have filed a Civil Suit No.77-A/12 in the Court of Civil Judge, Class – II, Tarana, Ujjain to deprive the revision petitioners from their land, therefore, application under Sections 20 and 22 of the Act of 2005 has been preferred.



5. The application was opposed by filing the joint reply and denied that revision petitioners were allotted any agricultural land in family settlement. These proceedings have been preferred only to avoid the results of civil suit filed in the Court of Civil Judge, Class – II, Tarana, Ujjain in the form of Civil Suit No.77-A/2012 and an order of temporary injunction has been passed in their favor and challenge to the order have also been unsuccessful vide order dated 10.07.2013 in Misc. Appeal No.7/2013 by Fourth Additional District Judge, Ujjain, the relief sought cannot be achieved under the provisions of Protection of Women from Domestic Violence Act, 2005.

6. JMFC, Tarana, Ujjain recorded the testimony of revision petitioner No.1 as (PW-1) and her brother Mangilal as (PW-2) and admitted the documents (Ex.P-1 to P-32) but no evidence was adduced by the respondents.

7. Appreciating the evidence, trial court recorded the finding in para 7 and 8 on the ground that claim of revision petitioners through documents (Ex.P-1 to P-32) have no substance in the light of findings of Civil Courts reflected in (Ex.D-1 to D-2) and awarded only compensation of Rs.10,000/- in favor of revision petitioner No.1 for causing mental harassment to be satisfied by respondent No.1, 3 and 5.

8. The order of the trial court was challenged by both the parties. Respondent No.1, 3 and 5 preferred CRA No.283/18 for challenging the award of compensation of Rs.10,000/- under Section 22 of the Act of 2005 and present petitioners preferred CRA No.378/18 and prayed for issuing injunction for not disturbing in collecting the crop and provide compensation.



9. Both the appeals were heard analogously and both the appeals were dismissed.

10. Challenging the order dated 30.05.2019 in CRA No.283/2018 arising out of order dated 18.06.2018 in Case No.20/18 revision petitioners preferred this revision petition on the ground that trial court as well as appellate court committed error in relying on the (Ex.D-1 and D-2) which were only copy of the orders and relates to the period after the claim of the revision petitioners and further committed error in not concluding that revision petitioners suffer loss of agricultural crop and awarded only meager amount of compensation.

Heard and perused the record.

11. The findings recorded in para 26, 27 and 28 in Regular Civil Case No.14-A/2017 by Additional District Judge, Camp at Tarana arising out of judgment and decree dated 18.12.2015 in Civil Suit No.33-A/13 by Civil Judge, Class-I, Tarana, Ujjain is being reproduced as below:-

“26. प्रकरण में यह निर्विवादित है कि वादग्रस्त भूमि प्रभूलाल एवं दयाराम के स्वामित्व एवं आधिपत्य की थी तथा उक्त भूमियां वादीगण द्वारा प्रतिवादी क्रमांक-1 चंदाबाई को भरण पोषण हेतु दी गई थी तथा इस संबंध में न्यायालय में राजीनामा भी प्रस्तुत किया गया था, जिसके आधार पर न्यायालय द्वारा प्रदर्श 3 का आदेश पारित किया गया था। अपीलार्थीगण की ओर से यह तर्क लिया गया है कि यदि कृषि भूमि पत्नी को भरण पोषण के लिये प्रदत्त की गई हो तब उसे पूर्ण स्वामित्व का अधिकार अर्जित हो जाता है, तब ऐसी भूमि पर उसका नाम नांमातरित होगा, किन्तु यदि किसी अन्य नातेदार द्वारा प्रदत्त की गई हो तब उसे भूमि स्वामी के अधिकार अर्जित नहीं होते हैं। इस संबंध में उनकी ओर से न्यायदृष्टांत 1999 राजस्व निर्णय 418 नीराबाई एवं अन्य विरुद्ध राजस्व मण्डल एवं अन्य प्रस्तुत किया गया है, जिसमें कि माननीय मध्यप्रदेश उच्च न्यायालय द्वारा यह निर्धारित किया गया है कि स्त्री के पास अन्य नातेदारों की सम्पत्ति जो उसके भरण पोषण को लिये आबद्ध नहीं है एवं केवल भरण पोषण का अधिकार प्रदत्त किया गया हो तब ऐसी सम्पत्ति पर उसे पूर्ण स्वामी अर्जित नहीं होगा। केवल उसके पति द्वारा प्रदत्त सम्पत्ति पर उसे पूर्ण स्वामित्व अर्जित होता है। वर्तमान



प्रकरण में भी यह तथ्य स्पष्ट है कि प्रतिवादी क्रमांक-1 चंदाबाई को वादीगण के द्वारा राजीनामे के तहत भरण पोषण हेतु जमीन प्रदत्त की गई है तथा प्रतिवादी क्रमांक-1 चंदाबाई को उसके पति मायाराम के द्वारा जमीन प्रदत्त नहीं की गई है। ऐसी स्थिति में उक्त न्यायदृष्टांत के प्रकार में प्रतिवादी क्रमांक-1 को वादग्रस्त जमीन पर भूमि स्वामी अधिकारी प्राप्त नहीं होते हैं।

27. इसी प्रकार **न्यायदृष्टांत 2003 भाग-1 म.प्र. विकली नोट 100 गुलाबराव विरुद्ध छाबूबाई** के प्रकरण में माननीय सर्वोच्च न्यायालय के द्वारा यह निर्धारित किया गया है कि पैतृक सम्पत्तियों में सहदायी को जन्म से अधिकार प्राप्त होता है तथा उसे पत्नी को भरण पोषण में संपूर्णतः नहीं दिया जा सकता है। वर्तमान प्रकरण में भी वादग्रस्त सम्पत्ति प्रतिवादी क्रमांक-1 चंदाबाई के पति मायाराम के स्वामित्व की नहीं है, यदि वादग्रस्त सम्पत्तियों को पैतृक सम्पत्ति माना भी जावे तब भी उक्त सम्पत्ति को उक्त न्यायदृष्टांत के प्रकाश में पत्नी को भरण पोषण में संपूर्णतः नहीं दिया जा सकता है।

28. वादग्रस्त सम्पत्ति वादीगण के स्वामित्व एवं आधिपत्य की थी तथा प्रतिवादी क्रमांक-1 चंदाबाई द्वारा अपने पति के विरुद्ध भरण पोषण का वाद प्रस्तुत किया गया था, जिसके अंतर्गत वादीगण प्रतिवादी क्रमांक-1 को भरण पोषण दिये जाने हेतु दायित्वाधीन नहीं थे। तब भी हिन्दू उत्तराधिकार अधिनियम की धारा 14 दो के तहत प्रतिवादी चंदाबाई को वादग्रस्त भूमि में अन्यायिक अधिकार प्राप्त नहीं होते हैं।”

12. The findings recorded by the learned Civil Court are the subject matter of challenge before the competent forum. However, one aspect is clearly established that the family members had amicably settled the dispute with the revision petitioners and, in lieu of their claim towards maintenance, agricultural lands bearing Survey No.339/2 admeasuring 0.10 hectare, Survey No.380/2 admeasuring 0.25 hectare and Survey No.564/2 admeasuring 0.40 hectare situated at Village Banjari, as well as Survey No.14/1 admeasuring 0.50 hectare situated at Village Limboda, were allotted in their favour on 07.07.2011. Pursuant thereto, the names of the revision petitioners were also duly mutated in the revenue records.

13. Subsequently, however, two of the respondents instituted a civil suit and obtained a decree, thereby depriving the revision petitioners of the benefit of maintenance which had already been settled in their



favour. The course adopted by the respondents amounts to economic exploitation of the revision petitioners and constitutes a graver form of domestic violence, inasmuch as they were deprived of their legitimate right to maintenance and were compelled to engage in avoidable litigation for a period of more than 14 years.

14. In the considered opinion of this Court, the compensation awarded by the learned Trial Court as affirmed by the First Appellate Court, quantified at Rs.10,000/-, is wholly inadequate and disproportionate to the loss and hardship suffered by the revision petitioners. The compensation awarded under Section 22 of the Protection of Women from Domestic Violence Act is required to be commensurate with the nature of deprivation, the value of the property involved, and the prolonged litigation faced by the aggrieved persons.

15. Accordingly, taking into consideration the area (1.25 hectare agricultural land) and value of the lands in question, as well as the delay (more than 14 years) and harassment caused to the revision petitioners, this Court is of the view that the compensation requires enhancement from Rs.10,000/- (Rupees Ten Thousand) to Rs.10,00,000/- (Rupees Ten Lakhs only). Consequently, the present Criminal Revision stands allowed. The impugned orders, to the extent of quantification of compensation under Section 22 of the Act, are modified and the respondents No.1, 3 and 5 are directed to pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the revision petitioners within a period of three months from the date of receipt of certified copy of this order. In the event of failure to pay the aforesaid amount within the stipulated period, the said amount shall carry interest at the rate of 6% per annum till its realization.



16. With the aforesaid, this criminal revision stands *allowed and disposed of*.

(GAJENDRA SINGH)
JUDGE

Vatan