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CRR-3343-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE GAJENDRA SINGH

CRIMINAL REVISION No. 3343 of 2025

VIKAS NAIK

Versus

SMT. VAISHALI AND OTHERS

.....
Appearance:

Shri Benudhar Parida - Advocate for the petitioner.

Shri Dinesh Rawat- Advocate for the respondent.

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WITH

CRIMINAL REVISION No. 4160 of 2025

VAISHALI NAIK

Versus

VIKAS AND OTHERS

.....
Appearance:

Shri Dinesh Rawat- Advocate for the petitioner.

Shri Benudhar Parida - Advocate for the respondent.

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(Heard on : 17.10.2025)

(Delivered on: 17.12.2025)

ORDER

Both the criminal revisions are directed against order dated 24.06.2025 in MJCR No.490/2021 by the Third Additional Principal Judge, Family Court, Indore (M.P.) whereby an amount of Rs.7,000/- per month has been awarded to the respondent no.1 in CRR No.3343/2025 and Rs.5,000/- per month was awarded to respondent no.2/minor daughter from the date of



application i.e.10.06.2021 as maintenance under section 125 of the Cr.P.C., 1973.

2. Challenging the impugned order CRR No.3343/2025 has been preferred by the respondent seeking setting aside the impugned order dated 24.06.2025 in favour of wife and modified in favour of minor daughter to the extent that it be payable to the extent of Rs.4,000/- per month from date of order 24.06.2025 as he is already paying to the minor daughter as interim maintenance.

3. CRR No.4160/2025 has been preferred by revision petitioner no.1 wife and revision petitioner no.2 minor daughter for enhancement of maintenance to the tune of Rs.30,000/- per month.

4. Facts in brief are that couple was married on 14.12.2008 as per hindu rituals at Indore and daughter took birth from the wedlock on 27.07.2010. An application for maintenance under section 125 of the Cr.P.C.,1973 was preferred on 10.07.2021 alleging neglect of maintenance, inability to maintain themselves and sufficiency of means of the husband and Rs.30,000/- per month was demanded to both wife and minor daughter by submitting that husband is working as creative director in graphics designing and earns Rs.60,000/- and also earns Rs.7,000/- from rental income.

5. Application was replied and opposed on the ground that marriage has been dissolved by decree of divorce dated 16.06.2021 in HMA No.1786/2019 by First Additional Principal Judge, Family Court, Indore.



Wife is living in relationship with another person following muslim religion. She is working at beauty parlour and earns Rs.15,000/- per month whereas husband's income is only Rs.46,000/- per month and he has to bear the responsibility of his old aged parents and other responsibilities.

6. Wife has examined as PW-1 and adduced documents Exhibit-P/1 to P/9 whereas husband examined himself a NAW-1 and adduced the documents Exhibit-D/1 to D/7. Appreciating the evidence Family Court Indore allowed the application partially as mentioned in the para-1 of the judgment.

7. Challenging the impugned orders CRR No.3343/2025 is preferred on the ground that Family Court ignored the finding recorded in HMA Case No.1786/2019 by Additional Principal Judge Family Court Indore in which it is held that adulterous act of wife has been mentioned in para-12. Family Court Indore further ignored the extra martial affair as disclosed in Exhibit-D/2 to D/5 and ignored the admission regarding the income of wife as disclosed in para-20 and 25 of her cross examination.

8. CRR No.4160/2025 is preferred on the ground that considering the education expenses of the revision petitioners the amount is not sufficient to bear the expenses in the awarded amount of maintenance hence it be enhanced.

9. Heard.

10. Perused the record.



11. Appreciating the contention of the husband this court is reproducing para-16 (A) of Annexure-P/2 as below:-

"(ए) प्रार्थी विकास पिता गोपालकृष्ण नाईक का प्रतिप्रार्थी श्रीमती वैशाली के साथ दिनांक 14/12/2008 को सम्पन्न हुआ विवाह, कूरतापूर्ण व्यवहार के आधार पर हिन्दू विवाह अधिनियम 1955 की धारा 13 (1) (1-क) के प्रावधान के अंतर्गत आज्ञासे दिनांक से विघटित घोषित किया जाता है।"

the above part reveals that the above decree of divorce has not granted on the ground of adultery. Accordingly Family Court, Indore committed no illegality in rejecting the contention in this regard. Husband does not succeed on the strength of *Rohtash Vs. V. Ramendri* 2000 (3) SCC 180, *Sukhdev Prkharwal V. Rekha Okle*, 2018 SCC Online MP 1687, *Resham Lal Dewangan Vs. Smt. Suman Dewangan* 2025 :CGHC:21793.

12. Considering the para-9 of wife examined as PW-1 no case of enhancement of maintenance for wife is made out but award of maintenance cannot be reduced or set aside in the light of *Chaturbhuj Vs. Sitabai* 2008 (2) SCC 316.

13. Now come to the amount of maintenance regarding minor daughter. Daughter is born on 27.07.2010 is studying in 9th standard in Prestige Public School at Indore for the academic year 2024 to 2025. Minor daughter is residing with the mother and she has right for getting proper education. Record discloses that husband ever tried to get the custody of



minor daughter. Mother is investing her valuable time for taking care of the daughter and the respondent is investing that time for pleasure of his personal life. Accordingly father have the duty to bear the economic expenses as per the requirement of the daughter and the amount of Rs.5,000/- does not serve the purpose when we consider the comparatively high expenses of Indore city. Accordingly, there is no case for reduction of amount of maintenance granted in favour of minor daughter but it is proper case for enhancement of maintenance amount from Rs.5,000/- to Rs.15,000/- which shall be payable from the date of application i.e. 10.06.2021.

14. In the light of the above, CRR No.3343/2025 is dismissed and CRR No.4160/2025 is partly allowed to the extent that amount of maintenance granted to minor daughter is enhanced from Rs.5,000/- to Rs.15,000/- which shall be payable from the date of application i.e. 10.06.2021.

(GAJENDRA SINGH)
JUDGE

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