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CRR-1560-2022

IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE GAJENDRA SINGH

CRIMINAL REVISION No. 1560 of 2022*SMT. SAVITA AND OTHERS**Versus**DEEPAK*

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Appearance:

Shri Vishal Sharma - Advocate for the petitioner.

Shri Padmnabh Saxena - Advocate for the respondent.

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Heard on: 08.04.2026

Delivered On:29.05.2026

ORDER

This criminal revision under Section 19(4) of the Family Courts Act, 1984 is preferred being aggrieved by the order dated 24.01.2026 passed in MJC No.261/2018 passed by Principal Judge, Family Court, Mandsaur (M.P) whereby an amount of Rs.6,000/- per month to petitioner No.1 and Rs.3,000/- each to petitioner No.2 & 3 maintenance has been awarded from the date of application i.e 15.10.2018 under Section 125 of the Cr.P.C.

2. Facts in brief are that marriage was solemnized on 16.04.2000 as per Hindu Rituals. Petitioner No.2 was born on 21.10.2001 and petitioner No.3 was born on 11.03.2003 out of the wedlock. The application for maintenance was preferred on 15.10.2018 submitting inability to maintain, neglect of maintenance, sufficiency of the means of the husband claiming Rs.1,00,000/- per month maintenance for petitioner No.1 and Rs.50,000/- per



month maintenance for petitioner No.2 along with Rs.50,000/- per month for her higher studies and Rs.50,000/- per month for petitioner No.3 along with Rs.6,50,000/- p.a for educational expenses mentioning that husband earns Rs.12,00,000/- per month.

3. The application was opposed by filing the reply raising the ground that the claim of the revision/petitioners is imaginary and it cannot be satisfied. Petitioner No.1 resides in a house built by the husband with a cost of Rs.50,00,000/-. He is facing economic complaint and has lost his earning capacity due to the hostile atmosphere and false complaints. He has filed the petition for divorce when it was impossible for him to live with the petitioner. He is under a debt of Rs.20,00,000/- raised from the market. No one is ready to given him loan. He tried his best to save his family life and entered into compromise but revision petitioner never cooperated.

4. Revision/petitioner No.1 examined herself as PW-1 and respondent/husband himself as DW-1. Appreciating the evidence trial Court recorded the findings that respondent/husband earns Rs.25,000/- to Rs.50,000/- per month and as per the compromise Ex.P/1 amount of Rs.12,000/- per month as maintenance was settled and accordingly awarded the amount as mentioned in para 01 of the judgment. The amount of maintenance with reference to petitioner No.2 & 3 was limited upto attaining the age of majority.

5. Challenging the amount awarded this revision petition has been preferred on the ground that trial Court committed error in assessing the income of the husband and awarded meagre amount of maintenance to



revision petitioner and trial Court did not take into consideration the fact that petitioner No.2 & 3 are getting higher studies as demonstrated through Annexure P/4 & P/5 and require proper maintenance. Trial Court further could not appreciate the fact that house which is being claimed to be given to the revision petitioners has been put to litigation by filing civil suit and husband is trying to dispossess them from the aforesaid house.

Heard.

6. Learned counsel for the respondent has opposed the prayer.

7. Record discloses that husband is the Chairman of Shree Jee Graphics Computer Society Samiti registered under the Madhya Pradesh Cooperative Society Act, 1973. Agreement Ex.P/1 cannot come in the way when the position of revision petitioner No.2 & 3 changes due to their higher studies. Tanisha got admission for medical doctor MD at Kyrgyz State Medical Academy through ISM Edutech Pvt. Ltd. and petitioner No.2 got admitted for Manipal University Jaipur for a course of B.Tech CSE.

8. Income tax returns does not reflects the actual income. It can be assessed in the light of circumstances. One of the circumstance is that as per Ex.P/3A Shree Jee Institute of Nursing Science, District Mandsaur is also run by the respondent/husband.

9. In para no.11 of Deepak examined as DW-1, he admits that Ex.D/1 disclose his income as Rs.17,18,000/- as per the balance sheet of the year of 2016-2017. He admits the ownership of a Car as well as two two wheelers i.e. bikes. He further admits various Bank accounts. accordingly, Deepak is a person of sound financial status.



10. After fining the application for maintenance, significant development occurred. Younger daughter of the revision petitioner Tanisha was admitted Medical Doctor (M.D.) w.e.f. 2020-2021 session for five years in Kyrgyz State medical Academy. The expenses for the five years as mentioned in Ex.P/4 are as below:-

Session	Total Fee	Converted into INR (Marginalized)
2020-2021	8400/-USD	8400x74=6,21,600/-
2021-2022	6400/-USD	6400x72=4,60,800/-
2022-2023	6400/-USD	6400x77=4,92,800/-
2023-2024	6400/-USD	6400x82=5,24,800/-
2024-2025	6400/-USD	6400x89=5,69,600/-
<b>Grand Total</b>		<b>Rs.26,69,600/-</b>

11. Whereas, elder daughter Tanvi of the revision petitioner has also admitted in the Manipal University in the four years course of B.Tech (CSE) and as per Ex.P/5 and Ex.P/6, the expenses incurred are as below:-

Session	Fee	Mess Fee	Hostel Fee	Total
2020-2021	3,19,000/-	18,600/-	1,49,150/-	4,86,750/-
2021-2022	2,94,000/-	62,000/-	1,34,150/-	4,90,150/-
2022-2023	2,94,000/-	62,000/-	1,34,150/-	4,90,150/-
2023-2024	2,94,000/-	62,000/-	1,34,150/-	4,90,150/-
<b>Grand Total</b>				<b>19,56,600/-</b>

12. In view of the aforesaid, the learned Family court has not considered those expenses. Father is obliged to provide the education to daughter also. Woman empowerment does not remain on paper it requires implementation and the father is having sufficient income and cannot deprive the girl children from providing the educational expenses. The wife is Bachelor of Education. Accordingly, no enhancement is required to the wife but so far as revision petitioner no.2 and 3/daughters are concerned, their educational expenses have not been considered by the learned Family Court.



Hence, this revision petition is allowed partly to the extent of educational expenses as mentioned in Ex.P/4 for younger daughter Tanisha and in Ex.P/5 and P/6 for elder daughter Tanvi.

13. Accordingly, the respondent has to pay total amount of Rs.26,69,600/-+Rs.19,56,600/-=Rs.46,26,200/- towards the educational expenses incurred for respondent nos.2 and 3 Tanish and Tanvi respectively. The aforesaid amount shall be paid within a period of four months from the date of this order. In case of failure to pay the aforesaid amount within the stipulated period of four months, an interest @6% per annum shall be applicable. The amount already paid shall be adjusted. The revision petitioners shall also be at liberty to approach before appropriate Court of law for execution in accordance with law.

14. With the aforesaid, the revision petition stands allowed and disposed off.

15. A copy of this order be sent to learned Family Court concerned for information.

Certified copy, as per rules.

(GAJENDRA SINGH)  
V. JUDGE