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CRR-3453-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE GAJENDRA SINGH

CRIMINAL REVISION No. 3453 of 2025*SAURABH MALVIYA**Versus**APURVA MALVIYA*

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Appearance:
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Shri Ashutosh Surana - Advocate for the petitioner [P-1].

Shri Prasun Pandey, learned counsel for the respondent [R-1].

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Heard on : 19.01.2026

Delivered On: 23.03.2026

ORDER

This Criminal revision petition is preferred under Section 19(4) of the Family Courts Act, 1984 being aggrieved by the order dated 24.06.2025 passed in MJCR No.78/2023 by Principal Judge, Family Court, Mandsaur whereby an amount of Rs.40,000/- per month has been awarded as maintenance in favour of the respondent/wife from the date of application i.e. 03.04.2023 under Section 125 of Cr.P.C., 1973.

2. Facts in brief are that the couple was married on 28.05.2018 and the marriage was registered under the provision of Special Marriage Act, 1954 and thereafter, the family rituals/ reception was arranged at Mandsaur on 22.01.2019 and the family members of both the parties were present. They lived together upto 25.08.2022. On 03.04.2023, an application claiming maintenance of Rs.50,000/- per month was preferred alongwith the cost of



Rs.15,0000/- towards the proceedings alleging that she was subjected to cruelty for non-fulfilling the unlawful demands of revision petitioner. At the time of settlement of the marriage proposal, the revision petitioner was working in United Kingdom and he assured that after the marriage the couple will settle permanently in U.K. thereafter, he return to India and join a company in Pune. Wife cooperated the husband and thereafter, the revision petitioner shifted to Bangalore and purchase a flat of Rs.30/- lacs and received the amount from the parents of wife to purchase the said flat. Thereafter, demand was increased and insisted to further fulfill demand of Rs.50/- lacs. At least she was compelled to file a complaint. She has no source of income whereas the revision petitioner is working as Assistant Manager in Ganpact Pvt. Ltd. an American Company and earning Rs.18/- lacs per annum, he has 30-40 bighas of land and earning Rs.20/- lacs per annum from the said agriculture land, he is also earning Rs.3,00,000/- per month as rental income from a house situated in Makshi and Rs.20/- lacs as income from interest and also having other sources of income also.

3. In reply, all the allegations were denied and it was pleaded that the respondent/wife is highly educated and well qualified and is bachelor of Engineering from Rajiv Gandhi Technical University, Bhopal and earns Rs.50,000/- from job, she is also working as a freelancer and Story Brand Artist. All the Streedhan is with her. She transferred an amount of Rs.4,50,000/- and Rs.3,00,000/- to her brother and possess an amount of Rs.8.5/- lacs in her account. In proceedings under Section 13-B of Hindu Marriage Act, 1925, she agreed to withdraw all the pending cases against



him, but still continued the proceedings.

4. Respondent/wife examined herself as PW-1 and revision petitioner examined himself as DW-1 and adduced the evidence EX.D/1 to Ex.D/24 whereas the wife has adduced the documents Ex.P/1 to Ex.P/7.

5. Appreciating the evidence, the learned Family Court has allowed the application partially to the extent as mentioned in para no.1 of the order.

6. Challenging the award of maintenance, this revision petition is preferred on the ground that the wife is living separately without any reasonable cause. The learned family Court overlooked the materiel contradictions appeared in the cross-examination of the respondent while passing the impugned order. The learned trial Court has not considered the audios and videos between the mother-in-law and awarded the maintenance. The learned family Court completely over looked the evidence whereas the ample documents were produced by the revision petitioner before the learned Family court which clearly reflects that the respondent/wife is a qualified professional and is capable to earn and maintain herself. Finding of the learned trial Court are perverse regarding liability of revision petitioner to maintain the wife and ignoring the fact that the revision petitioner is able to save only a meager amount of Rs.3,500/- per month only from his salary. The allegations of demand of dowry are baseless.

7. Heard.

8. Counsel for the respondent has opposed the prayer.

9. Perused the record.

10. Ex.P/1 to Ex.P/7 are the certified copies received from RCSHM



No.130/2023 which reveals that move to dissolve the marriage by mutual consent could not be materialized and was dismissed on 03.02.2023. Accordingly, the revision petitioner/husband cannot take any benefit of that proceedings. "Streedhan" is an absolute property of a woman. No plea can be raised that that "Streedhan" is with the wife. Reply of the revision petitioner in proceedings itself that at the time of settlement of the marriage he was working in United Kingdom. Para no.19 of the revision petitioner examined as DW-1 is to the effect that he is Assistant Manager in Genpact Pvt. Ltd. though he denied his package of Rs.18/- lacs per annum at Genpact Company, but he has not adduced any evidence /document regarding his salary. He denies that they are owner of lodges and hotels, but admits that lodges are in their ownership. At para no.20 of his statement he admits that the flat purchased at Bangalore is in the name of respondent and her scooter is also at Bangalore. In para no.21 he has states that if the dispute regarding flat is also resolved then also there is no possibility to settle the dispute with mutual consent.

11. There is difference between "may earn" and "is earning". When the wife discontinued her job due to marital obligations as well as compulsions than she require maintenance and when husband is in well paid profession then wife is entitled to get maintenance and till she again get the job of sufficient income to maintain herself. In break down of marital relations within a short span after they entered into marriage with expectations of high quality life is not so easy for each person. There is no evidence that the wife is earning. The awarded amount is proportionate to the standard as the



husband who previously worked in United Kingdom and now working as Assistant Manager in Genpact Pvt. Ltd. an American Company is expected to provide to his wife. Accordingly, the findings of learned Family Court required no interference and the revision petition is liable to be and is hereby dismissed.

12. The revision petitioner is at liberty to approach before the learned Family Court under Section 145 of BNSS, 2023 for modification of the order either the wife gets job or any other change of circumstance occurs.

13. With the aforesaid, the revision petition stands dismissed.

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

Pending application, if any, stands closed.

(GAJENDRA SINGH)
JUDGE

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