

HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Revision Petition No.193 of 2025

Surendra Bisht

.....Revisionist

Versus

Km. Sneha alias Shivnaya

.....Respondent

Mr. Bhupesh Kandpal, Advocate for the revisionist.

Mr. Vishesh Srivastav, proxy counsel for Mr. Ramji Srivastava, learned counsel for the respondent

Hon'ble Pankaj Purohit, J. (Oral)

This revision preferred under Section 438 of the BNSS, 2023 is directed against the order dated 21.03.2025 passed by learned Principal Judge, Family Court, Dehradun in Criminal Case No.354 of 2024, Sneha vs. Surrendra, whereby, the application Paper No.19A moved by the respondent-wife on behalf of minor daughter was partly allowed and the revisionist was directed to pay interim maintenance to the respondent (minor girl child) at the rate of Rs.8,000/- per month from the date of presentation of the application i.e. 25.10.2024.

2. The facts in nutshell are that an application Paper No.19A was moved by the respondent through her natural guardian mother stating therein that mother was married with the revisionist on 14.04.2011 and on 11.01.2024, their marriage has been dissolved and at present, the respondent who is the mother of minor Km. Sneha has not solemnized second marriage. The revisionist is posted as the Manager in a Health Company and also does the work of LIC agent from where he gets a monthly income of Rs.60,000/-. Accordingly, an interim maintenance @ Rs.30,000/- was demanded. The revisionist filed his objection to the said application in which he stated that the marriage between the parties has been dissolved. The decree of divorce has been passed by the

court on the basis of mutual compromise dated 11.01.2024. As per the conditions of the divorce, all the *stridhan* had been returned to the respondent and the respondent had given an affidavit before the court that she would not file any kind of case for maintenance either for herself or her daughter. Hence, the prayer to reject the application has been made.

3. The learned trial court has recorded the findings that the revisionist gets monthly income of Rs.60,000/- besides, Rs.35,000/- to Rs.50,000/- from daily business. In his written statement, he did not state any fact about his income. The trial court on the basis of the authority of Delhi High Court as well as the Hon'ble Supreme Court has held that, even if, a divorce takes place between the parties then also the minor child is entitled to get the maintenance. The child was stated to have been residing with her mother (respondent) and the court has recorded the finding that the duty to maintain the child is upon the revisionist. Further, any settlement between applicant-husband and respondent-wife cannot be made in respect of rights of minor child.

4. In these circumstances, the court rightly awarded an interim maintenance @ Rs.8,000/- per month for the maintenance of daughter of respondent-wife.

5. In my opinion, there is no illegality or perversity in the impugned judgment nor any ground is made out to interfere with the said finding. The revision lacks merit and the same is dismissed at the threshold.

(Pankaj Purohit, J.)
24.06.2025

Ravi