



**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE
HON'BLE SHRI JUSTICE GAJENDRA SINGH**

ON THE 1st OF APRIL, 2026

CRIMINAL REVISION No. 5558 of 2025

SMT ABHIDA AND OTHERS

Versus

AJAY

Appearance:

Shri Utkarshkumar Rasendukumar Joshi - Advocate for the petitioners.

WITH

CRIMINAL REVISION No. 608 of 2025

AJAY SOLANKI

Versus

SMT. ABHIDHA AND OTHERS

Appearance:

Shri Suraj Yadav - Advocate for the petitioner.

Reserved on : 07.01.2026

Pronounced on : 01.04.2026

ORDER

Regard being had to the similitude in the controversy involved in these criminal revisions, therefore, these criminal revisions were analogously heard and are being disposed off by this common order.

CRR No.5558 of 2025

2. This criminal revision is preferred by the wife and minor daughter being aggrieved by order dated 20.08.2025 in



MJCR/101/2024 by Principal Judge, Family Court, Ratlam, whereby claim of maintenance under Section 125 of the Cr.P.C., 1973 has been rejected.

CRR No.608 of 2025

3. This criminal revision is preferred by the husband challenging the order dated 13.01.2025 in MJCR/101/2024 by Principal Judge, Family Court, Ratlam, whereby an amount of Rs.6,000/- per month has been awarded as interim maintenance in favor of the minor daughter from the date of filing of application i.e. 14.03.2024.

FACTS OF THE CASE

4. The marriage was solemnized on 23.01.2006 at Indore (M.P.) as per Hindu rites and rituals. The revision petitioner No.2 in CRR No.5558/2025 was born on 08.12.2007 and a male child was born on 14.04.2015 out of the said wedlock. The girl child is residing with the wife whereas; the male child is residing with the husband.

5. An application for maintenance under Section 125 of the Cr.P.C. 1973 was preferred on 14.03.2024 claiming Rs.20,000/- per month as interim maintenance to fulfill the daily needs, medical requirements, house rent, clothing for wife and daughter and educational expenses of daughter alleging that as the income of wife by working at C.M. Rise School Sailana, Ratlam is not sufficient to fulfill the basic needs of wife and daughter whereas; husband is a civil engineer and earns Rs.2,50,000/- per month by working as a private and government contractor.

6. Application was opposed by filing the reply on the ground that wife earns Rs.60,000/- to 70,000/- per month and earns sufficiently to live a dignified life whereas; husband is struggling for his livelihood



and is managing anyhow the expenses of himself and his minor son to whom, the wife has deserted. The wife belongs to an affluent family belonging to Jain community whereas; husband belongs to Tribal community. They married during the study as a result of love and affection but thereafter, wife deserted husband and started living separately.

7. Wife examined herself as (PW-1) and husband adduced no evidence.

8. Appreciating the evidence, the trial Court recorded the finding that wife and minor girl child is living separately without sufficient reasons. Trial Court further recorded the finding that the wife is earning Rs.62,000/- per month and with this salary it cannot be treated as the wife is incapable to maintain herself and there is no document that daughter is studying and she is incurring the expenses for study. She has attained the age of majority and there is no evidence that she is suffering from any physical and mental health issues.

9. Challenging the rejection of claim of maintenance, CRR No.5558/2025 has been preferred on the ground that the impugned order has been passed without appreciating the material on record. Family Court committed mistake in holding that because the wife earns Rs. 62,000/- per month as a teacher, she does not need maintenance. Her salary is not enough to take care of rent, household expenses, education of the

daughter, transport, and monthly needs. Maintenance law does not say that a wife loses her right to maintenance only because she is employed. The correct test is whether her income is enough to maintain herself and her daughter in a reasonable and dignified



manner. That was not examined at all. The husband did not file any proof of his income, even though he is a qualified civil engineer doing government and private contracts work and is capable of earning well.

10. The Family Court treated the matter in a very technical manner and recorded the incorrect finding regarding daughter. Family Court further committed error in holding that daughter has completed 18 years, therefore, she is not entitled for maintenance. It is further submitted that separate proceedings have been initiated by the husband alongwith son claiming maintenance, both the proceedings ought to have been decided simultaneously.

Heard.

11. Counsel for the respondent/husband opposed the revision petition.

Perused the record.

12. Salary slip of wife for November 2024 mentions her gross salary to the tune of Rs.59,106/- with a total deduction of Rs.6,273/- and a net salary of Rs.52,833/- have been certified. She is a primary teacher in C.M. Rise Excellent School, Sailana, Ratlam. She has stated that she has been giving Rs.6,500/- as house rent and Rs.100/- per day as travelling expenses. Accordingly, the finding of trial Court that the wife is capable of maintaining herself does not require interference.

None come to the matter of minor daughter, who born on 08.12.2007.

13. As per Section 125 of the Cr.P.C., 1973, a minor daughter is entitled to maintenance until she attains the age of majority. If an application for maintenance is filed during her minority, she cannot be



denied maintenance merely on the ground that she attained majority during the pendency of the proceedings. In the present case, the wife, examined as PW-1, has specifically stated in her testimony that her daughter passed the Higher Secondary Examination in the Science stream (Biology) in the academic session 2024–25 and is preparing for the NEET examination. For this purpose, she is undertaking coaching at SAFAL Academy, Ratlam, for which an annual fee of Rs. 60,000/- to 70,000/- is being incurred. These averments, being part of her sworn testimony, do not require further proof. The statement itself constitutes sufficient evidence, and the Family Court committed an error in rejecting the claim for maintenance of the daughter during her minority, including her educational expenses. The respondent/husband avoided testimony before the trial court, and his reply indicates that he holds a degree in “Civil Engineering”. Although he is currently bearing the expenses of the son residing with him, he cannot deprive the daughter of a standard education, which is essential for her to face future challenges in life. At this stage, educational requirements are comparatively high. The daughter attained the age of majority in December 2025, while the application for maintenance was filed in April 2024. Accordingly, she is entitled to maintenance for a period of 21 months. For this period, she is entitled to maintenance at the rate of Rs. 15,000/- per month.

14. With the aforesaid, ***CRR No. 5558/2025*** is ***partly allowed*** and ***disposed of*** with respect to the daughter, who is awarded maintenance at the rate of Rs. 15,000/- per month for the period from April 2024 to



December 2025 (a total of 21 months). The interim maintenance already paid by the husband shall be adjusted.

Now come to the CRR No.608 of 2025.

15. In the present case, the daughter is also entitled to maintenance, and mere unemployment of the daughter does not absolve the husband from his obligation to provide maintenance. On careful consideration of the material on record and the well-reasoned findings of the Family Court, this Court finds no merit in the present revision petition. The petition is devoid of any substance and is accordingly dismissed.

16. With the aforesaid, *CRR No.608 of 2025* stands *dismissed*.

(GAJENDRA SINGH)
JUDGE

Vatan