



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Revision Petition No. 112/2021

Ritesh Kumar S/o Sh. Budha Ram, Aged About 35 Years, R/o New Loco, Upper Of Nala, Subhash Chowk, Ratanada, Jodhpur (Raj.).

----Petitioner

Versus

1. State, Through Pp

2. Pinky Pandit W/o Ritesh Kumar D/o Omprakash Ji Pandit, R/o Nawal Nagar, Sardarpura, Chopasni Road, Behind Kailash Piyau, Jodhpur (Raj.).

3. Antra D/o Ritesh Kumar, Through Her Legal Guardian Pinky Pandit W/o Ritesh Kumar D/o Om Prakash Ji Pandit, R/o Nawal Nagar, Sardarpura, Chopasni Road, Behind Kailash Piyau, Jodhpur (Raj.).

----Respondents

For Petitioner(s) : Mr. Kaushal Sharma
For Respondent(s) : Mr. S.S. Rajpurohit, PP
Dr. Shailendra Kala, for respondents
No.2 & 3

HON'BLE MR. JUSTICE MANOJ KUMAR GARG

Order

08/04/2021

The instant revision petition has been filed by the petitioner-husband under Section 19(4) of Family Court Act, 1984 against the order dated 21.07.2020 passed by Learned Judge, Family Court No.2, Jodhpur whereby the learned Judge allowed the application under Section 125 Cr.P.C. filed by respondent Nos.2 & 3 and directed the petitioner-husband to pay a sum of Rs.6,000/- per month as maintenance to the respondent Nos.2 & 3



(Rs.3,000/- each) from the date of filing of the application i.e. 13.10.2014.

Counsel for the petitioner submits that the learned Family Court without appreciating the material available on record and without assigning any cogent reason has awarded the maintenance in favour of the respondents No.2 & 3. Counsel further submits that the maintenance as awarded by the Family Court is on higher side as the petitioner is a very poor person and he is not having enough source of income, therefore the same may be reduced appropriately.

Per contra, counsel for the respondents No.2 & 3 has argued that out of the wedlock, respondent No.3 was born and she is living with her mother i.e. respondent No.2. Counsel submits that the learned Family Court has awarded a meager amount of maintenance of Rs.6,000/-. The respondent No.2-wife is not having any source of income to maintain herself and her minor daughter, therefore it is prayed that the amount of maintenance may be enhanced.

Heard learned counsel for the parties and perused the order impugned as well as gone through the material available on record.

From the perusal of the impugned order, it is apparent that the learned Family Court after considering the whole evidence as well as the material aspect of the matter and statement of the witnesses has rightly awarded the maintenance amount of Rs.6,000.- in favour of the respondents No.2 & 3, which cannot be said to be excessive or meager. The learned Family Court has not committed any error in passing the impugned order. The order



impugned is just and proper and does not warrant any interference at the hands of this Court.

The revision petition is hereby dismissed accordingly. Stay application is also dismissed.

(MANOJ KUMAR GARG),J

162-priyal/-



सत्यमेव जयते