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**(2024) 11 UK CK 0098**

**Uttarakhand High Court**

**Case No:** Criminal Revision No. 803 Of 2024

Vaibhav Gulati

APPELLANT

Vs

Rajni Gupta

RESPONDENT

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**Date of Decision:** Nov. 12, 2024

**Acts Referred:**

- Code Of Criminal Procedure, 1973 - Section 91, 125

**Hon'ble Judges:** Ravindra Maithani, J

**Bench:** Single Bench

**Advocate:** Sagar Kothari

**Final Decision:** Dismissed

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### **Judgement**

Ravindra Maithani, J

1. The challenge in this revision is made to the order of interim maintenance dated 11.09.2024, passed in Criminal Case No.324 of 2023, Smt. Rajni

Gupta Vs. Vaibhav Gulati, by the court of Principal Judge, Family Court, Dehradun (â€œthe caseâ€). By it, the revisionist has been directed to pay

Rs. 6,000/- to the respondent per month, as interim maintenance.

2. Heard learned counsel for the revisionist and perused the record.

3. The respondent filed an application under Section 125 of the Code of Criminal Procedure, 1973 (â€œthe Codeâ€), seeking maintenance from the

revisionist. According to the respondent, she and the revisionist were married on 22.02.2023, but after marriage, she was harassed and tortured for

and in connection with the demand of dowry. She is not able to maintain herself, whereas, the revisionist gets Rs. 30,000/- salary, and he is a member

of joint family. The income of the joint family is about Rs. 1,50,000/-. In the case, an application for interim maintenance has also been filed. It has been objected to by the revisionist.

4. The revisionist did deny allegations of harassment. It is the case of the revisionist that the respondent left the company of the revisionist without any reasonable cause; the respondent herself earns Rs. 20,000/- by tuition and she is also teaching in a school; he gets Rs. 30,000/- per month, as salary.

He also writes that he is not staying with his parents. His parents have expelled him.

5. Learned counsel for the revisionist would raise one argument. He would submit that the respondent did not submit all the essential documents, so as

to assess the income. He would submit that an application under Section 91 of the Code has already been filed by the revisionist, so as to summon the

documents pertaining the job and salary of the respondent. He would submit that that application is still pending, in which the respondent has already

filed objection and has admitted that for sometimes, she had worked in a school, but now, she has left it.

6. By the impugned order,, the revisionist has been directed to pay interim maintenance to the respondent. The relationship between the parties is not

disputed. What are the reasons for staying separate would find deliberation once finally the parties are permitted to adduce the evidence.

7. It is the case of the revisionist that he is not staying with his family, he is staying separate; he gets Rs. 13,500/-, per month, as salary; the respondent

is a teacher and gets Rs. 20,000/-, per month, as salary, but she concealed all those documents, for which an application has already been filed, which

is still pending. Once the application under Section 91 of the Code is decided and if the respondent is required to file all the documents with regard to

her job, the revisionist may have an opportunity to seek alteration of the amount of interim maintenance, if such occasion arises. At this stage,

whatever material was placed before the court, considering all that material, the impugned order has been passed, which does not appear to be wrong,

illegal or improper. Therefore, this Court does not see any reason to make any interference in this revision. Accordingly, the revision deserves to be

dismissed, at the stage of admission itself.

8. The revision is dismissed in limine.