

Court No. - 46

Case :- CRIMINAL REVISION No. - 2233 of 2001

Revisionist :- Smt. Bhawna Tyagi And Another

Opposite Party :- Mukesh Kumar Tyagi And Another

Counsel for Revisionist :- Rajiv Gupta

Counsel for Opposite Party :- Govt. Advocate

Hon'ble Vivek Kumar Birla,J.

No one is present on behalf of the revisionist to press this revision even in the revised call.

Present revision has been filed challenging the impugned judgement and order dated 12.6.2001 passed by Judge, Family Court, Meerut in Case No. 689 of 1999 (Smt. Bhawna Tyagi and another vs. Mukesh Kumar Tyagi). Further prayer has been made to direct the respondent to pay the maintenance at the rate of Rs. 5,000/- per month to the revisionist no. 1 and at the rate of Rs. 2,500/- per month to revisionist no. 2.

By the impugned order, the claim of revisionist no. 1 for maintenance under Section 125 Cr.P.C. was rejected and a sum of Rs. 400/- was awarded towards the maintenance of her minor child till he attains majority.

From perusal of the order sheet, it appears that even on the first date learned counsel for the revisionist was not present to argue the matter. From perusal of the revision, it appears that the ground taken to challenge the impugned order is that the Court below has incorrectly recorded a finding that she is living separately without any sufficient reason and that the opposite party has no sufficient income to maintain her. Maintenance is being claimed by the revisionist no. 1 and enhancement of amount is being sought for respondent no. 2. Insofar as the enhancement of amount is concerned, there is a provision under Section 127 Cr.P.C., however, on perusal of the record, I find that specific finding regarding living separately of the revisionist no. 1 without any cogent reason and regarding income of the opposite party has been recorded on the basis of appreciation of evidence.

From perusal of the record, I find that nothing material could be pointed out to indicate that the Court below has committed jurisdictional error or illegality in exercising his power to take cognizance in the matter.

In such view of the matter, I do not find any good ground to interfere in the order impugned herein.

Interim order, if any, stands vacated.

Present revision is devoid of merit and is accordingly dismissed.

Office is directed to communicate this order to the Court below by FAX within three weeks.

Order Date :- 31.3.2018
Abhishek