

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION NO. 119 of 2022**

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USHABEN PARSHOTTAMBHAI MAKWANA D/O AMARAVAT KIRANBHAI
MOTIBHAI
Versus
STATE OF GUJARAT

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Appearance:

HCLS COMMITTEE(4998) for the Applicant(s) No. 1,2

MS KHUSHBU P VYAS(7040) for the Applicant(s) No. 1,2
for the Respondent(s) No. 2

MR. HARDIK SONI, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE B.N. KARIA

Date : 07/02/2022**ORAL ORDER**

1. Applicants have preferred this Criminal Revision Application under Section 397 read with Section 401 of the Code of Criminal Procedure, 1973 against the judgment and order dated 29.11.2021 passed by learned Principal Judge, Family Court, Vadodara in Criminal Misc. Application No.339 of 2018.

2. Heard learned advocate for the applicants.

3. It is submitted by learned advocate appearing for the applicants that trial court has rightly dismissed the application of the wife observing that she is capable to earn as she is an educated lady. That respondent-husband is serving as a principal in the school and earning handsome amount, however Family Court has only granted

maintenance amount to the minor daughter at Rs.2,200/- and application of applicant-wife for maintenance was dismissed without any cogent reasons. As the applicant is not earning anything, learned Family Court cannot deny to grant maintenance as she has proved her desertion also.

4. Issue requires consideration.

5. **Rule** returnable on **21.03.2022**. Learned APP waives service of notice of rule for and on behalf of respondent-State.

SUYASH

(B.N. KARIA, J)