

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (FOR MAINTENANCE) NO. 626 of
2025**

=====

MAHMADBHAI AHMADBHAI(HAJI) SUVAN**Versus****STATE OF GUJARAT & ANR.**

=====

Appearance:**MR SS SAIYED(3690) for the Applicant(s) No. 1****MR H K PATEL, APP for the Respondent(s) No. 1**

=====

CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**Date : 28/04/2025****ORAL ORDER**

1. By way of this application under Section 438 read with Section 442 of the BNSS, the applicant has prayed for quashing and setting aside the order dated 06.06.2024 passed by learned Principal Judge, Family Court Surendranagar, in Criminal Misc. Application No.300/2022, whereby, the learned Family Judge has been pleased to fix the maintenance of Rs.6,000/- p.m to respondent – wife from the date of application i.e. 11.11.2022.

2. The learned counsel for the applicant has submitted that the trial court erred in passing the order of maintenance without considering the material produced on record, and instead, passed the decision on presumptions and surmises. In fact, the respondent herself deserted from matrimonial house. However, the trial court failed to take this aspect into account. He has further submitted that, the applicant has already made some payments towards maintenance, however, to show his bonafide, he is ready and willing to pay the arrears amount. In light of these facts, the applicant requests that the present application be allowed.

3. Having heard learned counsel for the applicant and perusing the material placed on record, it appears that Rs.42,000/- is yet to be paid towards arrears of maintenance to the respondent. Learned counsel for the applicant on instructions states that the applicant is ready and willing to pay the amount of arrears. However, considering the controversy involved in the matter, revision application deserves consideration.

4. In view of the above, as an amount of Rs.42,000/- is still due from the applicant towards arrears of maintenance, the applicant is directed to pay Rs. 42,000/- to respondent No.2 towards maintenance within **two weeks** from today. It is further clarified that, after clearing the arrears, the applicant shall pay a regular interim maintenance of Rs. 3,000/- per month (50 % of the total maintenance amount fixed by Family Court), subject to the outcome of the present revision application.

5. For the foregoing observations, application deserves consideration. **Rule**, returnable on **19.06.2025**. Pending present criminal revision application, **ad-interim relief in terms of para 9(B) is granted**, subject to pay regular interim maintenance of Rs. 3,000/- per month to the respondent-wife.

(HASMUKH D. SUTHAR,J)

SUCHIT