

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL REVISION APPLICATION (FOR MAINTENANCE) NO.
486 of 2026

=====

VINODBHAI KALUBHAI PARMAR
Versus
STATE OF GUJARAT & ANR.

=====

Appearance:

KUSHAL A DESAI(9435) for the Applicant(s) No. 1
UTKARSH SHARMA, APP for the Respondent(s) No. 1

=====

CORAM:HONOURABLE MR.JUSTICE P. M. RAVAL

Date : 23/02/2026

ORAL ORDER

1. Heard learned advocate Mr. Kushal Desai for the applicant.
2. The applicant–husband has challenged the impugned order dated 09.01.2026 passed by the learned Family Court, Halol in Old Criminal Misc. Application No. 673/2023 (New Criminal Misc. Application No. 645/2024), whereby the application filed by the wife under Section 125 of the Code of Criminal Procedure came to be partly allowed and an amount of Rs.1,000/- per month was awarded towards maintenance to the minor daughter.
3. Learned advocate for the applicant has invited the attention of this Court to Page 2 of the impugned order,

particularly paragraph 1.2, wherein it is recorded that the mother of respondent No.2, namely Rashmikaben, has stated that after obtaining divorce from the present applicant, she has remarried. In view of the Explanation to Section 125 Cr.P.C., the term “wife” includes a woman who has been divorced by or has obtained divorce from her husband and has not remarried. Therefore, once the respondent has remarried, she would cease to fall within the definition of “wife” for the purpose of claiming maintenance.

4. It is further submitted that since the respondent is no longer the legally wedded wife of the present applicant on account of her remarriage, the question of maintenance, even with regard to the child, requires consideration in its proper perspective.

5. It is also required to be taken into consideration that as per the Explanation, a “minor” means a person who has not attained the age of majority within the meaning of the Indian Majority Act, 1875. However, considering the fact of the wife’s remarriage, the issue requires consideration.

6. Learned advocate has further submitted that at the time of divorce, the parties had entered into an agreement whereby the wife agreed to accept a sum of Rs.2,81,000/- as full and final settlement towards lifetime maintenance of the child. This aspect also requires consideration while examining the

legality and propriety of the impugned order.

7. Interim relief in term of para 17 (B).

8. Rule returnable on 09.07.2026. Learned APP waives service of rule on behalf of the respondent – State.

9. **Direct service** is permitted.

MOHD SAIF ULLAH

(P. M. RAVAL, J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: MOHD SAIF ULLAH(HC02372), ENGLISH STENO GRADE-II, at High Court of Gujarat on 24/02/2026 13:48:02