

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL REVISION APPLICATION (FOR MAINTENANCE) NO. 334 of 2025

=====

JAY DIPAKBHAI MEHTA

Versus

GUNJAN SHANTILAL LAKHANI & ORS.

=====

Appearance:

MR JAL UNWALA, SR. ADVOCATE with MR ABHISHEK M MEHTA(3469)
for the Applicant(s) No. 1

MR PRANAV DHAGAT, APP for the Respondent(s) No. 3

=====

CORAM: **HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**

Date : 10/03/2025

ORAL ORDER

[1.0] By way of present revision application, the applicant – husband has prayed to quash and set aside the order dated 23.01.2025 passed by the learned Principal Judge, Family Court, Porbandar in Criminal Misc. Application No.176 of 2023.

[2.0] Learned Senior Advocate Mr. Jal Unwala assisted by the learned advocate Mr. Abhishek Mehta appearing for the applicant has submitted that the learned Family Judge has passed the impugned order without appreciating the evidence and facts produced on record and straightway directed the applicant to pay monthly maintenance of Rs.40,000/- to respondent No.1 and Rs.20,000/- to respondent No.2 and thus total monthly maintenance of Rs.60,000/- with effect from 03.03.2023. But, the order as well as the affidavit and the details submitted by the applicant as per the decision of Hon'ble Supreme Court in the case of **Rajnesh vs. Neha** reported in **(2021) 2 SCC 324**, applicant is earning around Rs.50,000/- per month and even the learned Family Judge has come to conclusion that there is no finding that the applicant is earning Rs.6 lakh to Rs.7 lakh per month though the learned Judge, Family Court

proceeded to award monthly maintenance of Rs.60,000/- in favor of the respondent Nos.1 and 2 straightway. The applicant is having responsibility and liability to maintain his parents and even other properties of the applicant are also attached by the Courts in connection with PMLA proceedings however, to show his bonafide, upon instructions, learned Senior Advocate appearing for the applicant submits that applicant is ready and willing to deposit arrears amount as awarded by the learned Judge, Family Court.

[3.0] In view of the above, issue **NOTICE** making it returnable on **11.04.2025**.

Learned APP waives service of notice for and on behalf of the respondent No.3 – State of Gujarat.

Private respondents be served through the concerned police station.

[4.0] Meanwhile, there shall be ad-interim relief in terms of **paragraph No.13(C)** of the revision application, **on condition that** applicant shall deposit 50% of the total arrears amount of Rs.13,00,000/- i.e. Rs.6,50,000/- within 4 weeks from today and remaining 50% i.e. Rs.6,50,000/- within 12 weeks from today. Over and above the said amount of arrears, the applicant shall also keep on regularly paying 50% of the monthly amount of maintenance i.e. Rs.30,000/-, subject to final outcome of the present revision application. Direct service is permitted.

(HASMUKH D. SUTHAR, J.)

Ajay

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: AJAY CHANDRAN MENON(HC00939), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 11/03/2025 14:38:23