

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION NO. 1313 of 2019**

=====

BHARATBHAI VRAJLAL SHAH

Versus

RIDDHIBEN BHARATBHAI SHAH

=====

Appearance:

NISARG H VYAS(9431) for the Applicant(s) No. 1

for the Respondent(s) No. 1,2,3

MS MONALI BHATT, APP for the Respondent(s) No. 4

=====

CORAM: **HONOURABLE MR.JUSTICE B.N. KARIA****Date : 24/12/2019****ORAL ORDER**

1. The applicant has challenged the impugned judgment and order dated 30.07.2019 passed by the Principal Judge, Family Court, Bhavnagar in Criminal Misc. Application No.563 of 2017.

2. Heard learned advocate for the applicant.

3. It is submitted by learned advocate for the applicant that the impugned judgment and order passed by the Family Court is contrary to the evidence and facts because there was no income proof of the present applicant produced by the respondent-wife before the Family Court. It is further submitted that the Family Court has erroneously considered income of the present applicant at Rs.30,000/- per month and agricultural income of the applicant to an extent of Rs.18,000/- was produced on record without any proof. It is further submitted that the the applicant has

never deserted the respondent-wife without any valid reason as no physical or mental cruelty was given to the respondent-wife. It is further submitted that the respondent no.1 is residing in the house which is of the ownership of the applicant and she is also earning considerable amount to maintain herself as well as two young children. However, the applicant has cleared the amount of arrears as per the order passed by the Family Court, Bhavnagar by depositing an amount of Rs.1,70,500/- in the execution proceedings.

4. Issue requires consideration.

5. Hence, **Rule**. Learned APP waives service of notice of Rule on behalf of the respondent-State.

rakesh/

(B.N. KARIA, J)