



1 NEUTRAL CITATION NO. 2026:MPHC-IND:19259

Cr.R. NO. 4141/2024

**IN THE HIGH COURT OF MADHYA
PRADESH
AT INDORE
BEFORE**

HON'BLE SHRI JUSTICE JAI KUMAR PILLAI

CRIMINAL REVISION No. 4141 of 2024

Appearance:

Shri Anshul Hardia - Advocate for the petitioner.

Shri Rohan Malviya - Advocate for the respondent.

Reserved on : 13.07.2026

Post on : 16.07.2026

ORDER

1. The present criminal revision has been preferred by the revisionist (husband) under Section 19(4) of the Family Courts Act,



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1984, challenging the impugned order dated 07/12/2023. The said order was passed by the learned Principal Judge, Family Court, Indore (M.P.) in M.J.C. Case No. 1167/2021.

2. By way of the impugned order, the Family Court directed the revisionist to pay a monthly maintenance of Rs. 10,000/- to the respondent (wife). The revisionist seeks to quash the impugned order and prays for the matter to be remanded back to the trial court, asserting that the proceedings were conducted ex-parte without proper service of notice.

FACTS IN BRIEF

3. Briefly stated, the facts emerging from the record are that the marriage between the petitioner and the respondent was solemnized on 14/06/2021 in Bhopal (M.P.) as per Islamic customs. Shortly after a family trip to Kashmir, the respondent went to her parental home in Indore and did not return to the matrimonial home.

4. Subsequently, the respondent lodged an FIR bearing Crime No. 36/2022 on 14/01/2022 at Indore, against the petitioner and his family members under Sections 498-A and 34 of the Indian Penal Code, alleging a dowry demand of Rs. 50 lakhs.



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5. Prior to the FIR, the respondent filed an application on 25/11/2021 under Section 125 of the Code of Criminal Procedure, seeking a monthly maintenance of Rs. 2,00,000/-. The learned Family Court proceeded with the matter, closed the right of defence for the present petitioner on 08/03/2022, and ultimately passed the impugned ex-parte order on 07/12/2023, awarding Rs. 10,000/- as monthly maintenance.

CONTENTIONS OF THE REVISIONIST

6. The revisionist contends that the entire proceedings were conducted behind his back without any proper notice being served upon him, thereby depriving him of a fair opportunity of hearing. It is submitted that declaring him ex-parte and closing his right of defence displays a manifest error apparent on the face of the record.

7. It is further submitted that the court below committed a serious error of law by assuming his monthly income to be Rs. 40,000/- without any documentary evidence. The revisionist asserts that he is a struggling gym trainer, and the award of Rs. 10,000/- per month is highly unreasonable, perverse, and devoid of merits.

8. The revisionist also argues that the trial court acted illegally and arbitrarily by relying solely upon the written arguments and interested witnesses of the respondent, ignoring the fact that the



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respondent intentionally sought adjournments to get the applicant declared ex-parte.

CONTENTIONS OF THE RESPONDENT

9. The respondent has entered appearance and vehemently opposed the present revision petition. It is contended on behalf of the respondent that the impugned order granting maintenance is just, proper, and requires no interference.

ANALYSIS AND CONCLUSION

10. This Court has heard the parties and carefully perused the record. The core issue directed for determination is whether the learned Family Court properly ensured the service of notice upon the petitioner before proceeding ex-parte and passing the impugned order.

11. At the outset, it is pertinent to discuss the scope and limitations of revisional jurisdiction. Revisional jurisdiction is strictly supervisory in nature. The Revisional Court does not function as a regular Court of Appeal, and a routine re-appreciation of evidence is impermissible.



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12. Upon perusal of the record, it is strictly evident that the application under Section 125 Cr.P.C. was made on 25/11/2021. The first date of hearing was 27/11/2021, on which date the process fee was paid by the respondent.

13. The record further reveals that on 22/12/2021, notices were issued but were returned unserved with the specific reason that the petitioner was not at home. Consequently, on the very same day, i.e., 22/12/2021, the court allowed the issuance of notice through WhatsApp and email and by RAD mode.

14. Crucially, there is absolutely no report on record to disclose whether the service through WhatsApp or email was actually successfully executed or not. Despite the complete absence of a conclusive service report regarding the electronic modes and verification of process fee paid/RAD on record or acknowledgement or confirmation through RAD mode, the Family Court proceeded to declare the petitioner ex-parte.

15. It is apparent from the record that the learned Family Court acted in a hurry to conclude the proceedings. Proceeding to pass a final ex-parte order on 07/12/2023 without first ensuring that the notice was duly served upon the petitioner constitutes a grave material irregularity.



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16. The failure to ascertain the status of the WhatsApp or email service strikes at the root of the principles of natural justice. Therefore, the impugned order suffers from patent illegality and procedural irregularity, warranting interference by this Court in its revisional jurisdiction to prevent a miscarriage of justice.

17. In view of the aforesaid findings, the present criminal revision is **allowed**. The impugned order dated 07/12/2023 passed by the learned Principal Judge, Family Court, Indore (M.P.) in M.J.C. Case No. 1167/2021 is hereby **set aside**.

18. The matter is remanded back to the learned Family Court for fresh consideration. The Family Court is directed to afford a proper and adequate opportunity of hearing to both the parties and decide the maintenance application afresh in accordance with the law. Parties are directed to appear before the Family Court on 17/08/2026.

19. No order as to costs. A copy of this order be sent to the court below along with record for necessary information and compliance.

(Jai Kumar Pillai)
Judge



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