



IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE GAJENDRA SINGH

ON THE 14th OF AUGUST, 2026

REVIEW PETITION No. 1087 of 2026

UJJWAL TRIVEDI

Versus

SMT. SIMPI TRIVEDI AND OTHERS

.....
Appearance:

Ms. Sangeeta Choudhary - Advocate for the petitioner [P-1].

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WITH

MISC. CRIMINAL CASE No. 38858 of 2026

UJJAWAL TRIVEDI

Versus

SMT. SHIMPI TRIVEDI AND OTHERS

.....
Appearance:

Ms. Sangeeta Choudhary - Advocate for the applicant.

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ORDER

Heard on IA No.10884/2026 which is an application filed in MCRC No.38858/20226 for condonation of delay of 81 days in filing the petition.

2. On due consideration, the IA No.10884/2026 is allowed the delay caused in filing MCRC No.38858/2026 is hereby condoned.

3. The review petition, being RP No.1087 of 2026 has been preferred under Section 362 of the Code of Criminal Procedure, 1973, seeking recall/ modification of the direction of payment of Rs.16,000/- to wife and child as mentioned in paragraph 36 of the judgment dated 17.04.2026 passed in CRR



No.2238 of 2025 and substituting the word date of filing of the application to date of filing of the criminal revision.

4. MCRC No.38858/2026 has been filed under Section 528 of the BNSS, 2023 read with Section 482 of the Cr.P.C., 1973 seeking the following reliefs:-

" That, this Hon'ble court may be, pleased to quash the Impugned Order or to set aside: the retrospective effect of payment of maintenance amount Rs.16,000/- pm to the Respondents herein as mentioned in Para No.36 in Impugned Order / Judgement dated 17.04.2026 of the CRR No. 2238/2025; and

b) That, this Hon'ble court may be pleased to grant other order/relief in favour of the Petitioner, which this Honorable Court deems fit, just and expedient in the peculiar facts and circumstances of the case in the interest of justice."

5. The objection regarding maintainability of the RP No.1087/2026 is not being gone into and is kept aside for consideration of the petition on merits.

6. The facts of the case, in brief, are that the petitioner was married to respondent No.1 on 30.01.2013 at Indore according to the rites and rituals of Hindu religion. Respondent No.2 was born on 10.04.2017. On 30.10.2018, respondent No.1-wife and respondent No.2-minor son preferred an



application under Section 125 of the Cr.P.C. seeking maintenance from the petitioner. The said application was decided by the learned Additional Judge to the Court of Principal Judge, Family Court, Indore, vide order dated 08.04.2025, whereby maintenance of Rs.7,000/- per month was awarded in favour of respondent No.1-wife and Rs.3,000/- per month was awarded in favour of respondent No.2-minor son, payable from the date of the order, i.e. 08.04.2025.

7. Thereafter, both the parties challenged the aforesaid impugned order before this Court. The revision petition preferred by the husband, registered as CRR No.4744 of 2025, was dismissed vide order dated 17.04.2026. The revision petition preferred by respondent No.1-wife and respondent No.2-minor son, registered as CRR No.2238 of 2025, was partly allowed. The maintenance awarded in favour of respondent No.2-minor son was enhanced from Rs.3,000/- per month to Rs.9,000/- per month, whereas no enhancement was in the maintenance awarded to respondent No.1-wife. While enhancing the maintenance, the direction of the Family Court that the amount would be payable from the date of the order was modified, and this Court directed that the maintenance as well as the enhanced maintenance would be payable from the date of filing of the original application under Section 125 of the Cr.P.C., i.e. 30.10.2018.

8. The petitioner/husband has approached this Court seeking modification of the aforesaid direction, contending that the amount ought to be made payable, at the most, from the date of filing of the criminal revision and not from the date of filing of the original application.



9. The argument is based on section 125(2) of the Cr.P.C., 1973 which is presently corresponding to Section 144(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 which is being reproduced as below:-

"[(2) Any such allowance for the maintenance or interim maintenance and expenses for proceeding shall be payable from the date of the order, or, if so ordered, from the date of the application for maintenance or interim maintenance and expenses of proceeding, as the case may be.]"

10. It is argued by counsel for the petitioner that the petitioner has been regularly paying the interim maintenance since the year 2018 and has also complied with the final order of maintenance regularly and order of payment of enhanced amount retrospectively from 30.10.2018 would result in an enormous financial burden upon the petitioner and is miscarriage of justice and perpetuating harassment of the husband. He referred to para-34 of the judgment of the trial court.

11. Perused the record.

12. The amount of interim maintenance paid is adjustable to the arrears of amount and the trial court itself has applied abundance precaution that any amount received by the respondents in any other proceedings shall be adjustable.

13. In the case of **Rajnish Vs. Neha and another** (2021) 2 SCC 324 the Apex Court has issued final direction in exercise of power under Article 142 of the Constitution of India and one of the directions is that maintenance in all cases will be awarded from the date of filing of the application for



maintenance.

14. In the present case, the application for maintenance remained pending for more than a period of six and a half years. The minor child and wife cannot be deprived of maintenance on account of the prolonged pendency of the proceedings. If the order of maintenance is made only prospectively, i.e., from the date of filing of the revision petition, it would amount to depriving the minor child & wife from proper maintenance. It is not the harassment of the husband; rather, it is the wife and the minor son who would suffer the consequences of such deprivation. There is no scope for review in the present review petition. Accordingly, the Review Petition No.1087 of 2026 is hereby dismissed.

15. Now, coming to MCRC No.38858/2026, has been filed under Section 528 of the BNSS, 2023 read with Section 482 of the Cr.P.C., 1973.

16. The relief claimed in MCRC No.38858/2026 is repetition of relief claimed by RP No.1087/2026. Relief sought under Section 127 of the Cr.P.C. read with Section 146 of the BNSS, 2023, would be claimed if the order of maintenance requires modification/enhancement or if any subsequent change in the circumstances is alleged.

17. The judgment in *Smt. Huda Khanam v. State of U.P. and Another*, order dated 12.05.2026 in CRR No. 5384/2025, as well as *Rakesh Sharma v. Manju Devi and Others*, [2026:RJ-JD:22423], does not apply to the facts of the present case.

18. Paragraph 42 of the trial Court's order does not come in the way of granting enhanced maintenance from the date of filing of the application,



6

RP-1087-2026

particularly when the amount of interim maintenance awarded was very meagre and have to adjusted towards arrears of maintenance. Accordingly, MCRC No. 38858/2026 is **dismissed in limine**.

(GAJENDRA SINGH)
JUDGE

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