

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

Criminal Appeal No 495 of 2020
(Arising out of SLP(Crl.) No 9351 of 2019)

Smt. Jyoti Bai

Appellant(s)

Versus

Ravi Kant Neelkanth

Respondent(s)

ORDER

1 Leave granted.

2 The proceedings before this Court arise from an order of the Single Judge of the High Court of Madhya Pradesh dated 19 December 2017. Pending the disposal of a revision against an order of the Principal Judge of the Family Court, Khandwa, directing the respondent to pay Rs 10,000 per month to the appellant towards maintenance under Section 125 of the Code of Criminal Procedure, the High Court has, by way of an interim order, directed that maintenance be paid in the amount of Rs 7,500 per month during the pendency of the proceedings.

3 Mr Abhay Singh, learned counsel appearing on behalf of the appellant states that the revision is still pending before the High Court. While awarding maintenance of Rs 10,000 per month, the Family Court by its order dated 16 February 2016 observed that the respondent has a salary of Rs 37,000 per month and that he is employed in the Electricity Distribution Company at Icchapur.

4 Counsel appearing on behalf of the appellant submits that there was no basis for the High Court to direct at the interim stage a reduction of maintenance from Rs 10,000 to Rs 7,500 per month and the quantum of maintenance awarded by the Family Court is reasonable.

5 The respondent has submitted a letter dated 2 November 2019, after notice was issued by this Court on 1 October 2019, stating that he is the sole earning member of his family and that he is regularly depositing the amount of maintenance in the account of his spouse. He has stated that he is unable to pay any additional amount and that the appellant is voluntarily residing at her parental home over the last ten years and that she is working as a private teacher in village Punasa, District Khandwa.

6 At this stage, since the revisional proceedings are pending before the High Court, we are not arriving at any final conclusion on the merits of the rival contentions so as not to prejudice the respective contentions in the pending proceedings. However, without expressing any final opinion, we order and direct that during the pendency of the proceedings before the High Court, the amount of maintenance as determined by the Family Court, Khandwa should continue to be observed.

7 We accordingly modify the impugned order of the High Court dated 19 December 2017 and direct that during the pendency of the revision, the respondent shall pay maintenance quantified at Rs 10,000 per month to the appellant. We clarify by way of abundant caution that this is an interim arrangement and the present order shall not be considered as the expression of any opinion of the Court on the merits of the rival contentions in the revision.

The High Court is requested to expeditiously dispose of the pending revision.

8 The appeal is accordingly disposed of.

9 Pending applications, if any, stand disposed of.

.....J.
[Dr Dhananjaya Y Chandrachud]

.....J.
[Indu Malhotra]

.....J.
[K.M. Joseph]

**New Delhi;
July 31, 2020**

ITEM NO.17

Court 4 (VC)

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No.9351/2019

(Arising out of impugned final judgment and order dated 19-12-2017 in CRR No. 695/2016 passed by the High Court Of M.P. Principal Seat at Jabalpur)

JYOTI BAI

Petitioner(s)

VERSUS

RAVI KANT NEELKANTH

Respondent(s)

(With appln.(s) for exemption from filing O.T.)

Date : 31-07-2020 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE INDU MALHOTRA
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Mr. Abhay Singh, Adv.
Ms. Ankita Agarwal, Adv.
Mr. Kaustubh Shukla, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

- 1 Leave granted.
- 2 The appeal is disposed of in terms of the signed order.
- 3 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)
AR-cum-PS

(SAROJ KUMARI GAUR)
BRANCH OFFICER

(Signed order is placed on the file)