

Court No. - 79

Case :- CRIMINAL REVISION No. - 1892 of 2023

Revisionist :- Rajaram

Opposite Party :- State Of U.P.And Another

Counsel for Revisionist :- Vivek Kumar Mishra

Counsel for Opposite Party :- G.A.,Shaili Ganguly

Hon'ble Vipin Chandra Dixit,J.

Heard Sri Vivek Kumar Mishra, learned counsel for the revisionist, learned A.G.A. for the State, Ms. Shaili Ganguly, learned counsel appearing on behalf of opposite party no.2 and perused the record.

This criminal revision has been filed by the revisionist against the judgment and order dated 31.1.2023 passed by Principal Judge, Family Court, Rampur in Criminal Misc. Case No.539 of 2018, by which the application filed on behalf of opposite party no.2 under Section 127 Cr.P.C. was allowed and the maintenance awarded to the opposite party no.2 was enhanced from Rs.1,000/- per month to Rs.3,000/- per month.

It is submitted by learned counsel for the revisionist that the maintenance awarded by the learned Family Court is highly excessive. The learned Family Court has not recorded any finding in respect of income of the revisionist. The revisionist is regularly complying the order dated 21.7.2015 passed under Section 125 Cr.P.C. The learned Family Court without considering the comparative hardship of the revisionist has enhanced a very excessive amount of maintenance in favour of opposite party no.2.

On the other hand, learned counsel appearing on behalf of opposite party no.2 submits that the maintenance has been awarded at the rate of Rs.1,000/- per month each in favour of opposite party no.2 and her minor daughter under Section 125 Cr.P.C. vide judgment and order dated 21.7.2015. On application moved by the opposite party no.2 after 3 years in 2018 under Section 127 Cr.P.C., learned Family Court has enhanced the amount of maintenance from Rs.1,000/- per month to Rs.3,000/- per month which cannot said to be excessive in any manner.

Admittedly, the opposite party no.2 is legally married wife of revisionist. The maintenance enhanced by the Family Court at the rate of Rs.3,000/- per month from the the date of application i.e. 30.10.2019 cannot said to be excessive in any manner.

Considering the facts and circumstances of the case and keeping in mind the spiralling inflation rate and high cost of living index, the Court is of the view that enhanced maintenance at the rate of Rs.3,000/- per month in favour of the wife cannot be treated to be on the higher side rather it is too meagre.

In view of the above, there is no illegality, infirmity or perversity in the impugned order which may warrant any interference by this Court. No ground for interference is made out. The criminal revision filed by husband is liable to be dismissed.

The criminal revision is dismissed, accordingly.

However, it is provided that the revisionist shall pay the entire arrears as on date in six equal monthly instalments to the opposite party no.2, failing which it is open to opposite party no.2 to initiate recovery proceedings against the revisionist. Any amount paid by the revisionist in compliance of order dated 31.1.2023 shall be adjusted.

Order Date :- 14.12.2023

Kpy