

**Court No. - 79**

**Case :-** CRIMINAL REVISION No. - 2858 of 2023

**Revisionist :-** Wali Ahad Kha

**Opposite Party :-** State of U.P. and Another

**Counsel for Revisionist :-** Zafeer Ahmad

**Counsel for Opposite Party :-** G.A., Abdul Mazed

**Hon'ble Vipin Chandra Dixit, J.**

Heard Mr. Zafeer Ahmad, learned counsel for the revisionist, learned A.G.A. for the State, Mr. Abdul Mazed, 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 28.2.2023 passed by learned Principal Judge, Family Court, Pilibhit in Maintenance Case No.414 of 2017 (Sharun Bi Vs. Wali Ahad Kha) under Section 125 Cr.P.C., by which the application filed on behalf of opposite party no.2 under Section 125 Cr.P.C. was allowed and the revisionist was directed to pay Rs.6,000/- per month as maintenance to opposite party no.2.

It is submitted by learned counsel for the revisionist that maintenance awarded by learned Family Court in favour of opposite party no.2 is highly excessive without recording any finding in respect of income of the revisionist. It is further submitted that learned Family Court had erred in awarding excessive maintenance without considering the comparative hardship of the revisionist.

On the other hand, learned counsel appearing on behalf of opposite party no.2 submits that opposite party no.2 is legally married wife of revisionist having no source of income. He further submits that learned Family Court had recorded finding that the revisionist is M.A., M.B.A. and the maintenance awarded by the Family Court cannot said to be excessive in any manner.

Admittedly, the opposite party no.2 is legally married wife of revisionist. The revisionist being husband of opposite party no.2 is morally bound to discharge his legal obligation of maintaining his wife in any circumstances. The husband cannot be heard to say that he is not in a position to earn enough to be able to maintain his wife.

Considering the facts and circumstances of the case and keeping in

mind the spiraling inflation rate and high cost of living index, the Court is of the view that maintenance at the rate of Rs.6,000/- 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 up-to-date in six equal monthly instalments to the opposite party no.2, failing which it is open to the opposite party no.2 to enforce the award dated 28.2.2023 by filing an application under Section 128 Cr.P.C.

**Order Date :- 19.10.2023**

Kpy