

**Court No. - 79**

**Case :-** CRIMINAL REVISION No. - 3055 of 2023

**Revisionist :-** Mohtsim

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

**Counsel for Revisionist :-** Saurabh Kumar Pandey

**Counsel for Opposite Party :-** G.A., Ram Kumar Pandey

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

Rejoinder affidavit has been filed on behalf of revisionist, is taken on record.

Heard Sri S.K. Pandey, learned counsel for the revisionist, learned A.G.A. for the State and Sri Ram Kumar Pandey, learned counsel for the opposite party no.2.

This criminal revision has been filed by the revisionist against the judgement and order dated 28.03.2023 passed by Additional Principal Judge, Family Court, Firozabad in Maintenance Case No. 141 of 2021 by which the application filed under Section 125 Cr.P.C. was allowed and the revisionist was directed to pay Rs. 6,000/- per month to the opposite party no.2 from the date of application.

It is submitted by learned counsel for the revisionist that the maintenance awarded by the learned Family Court is highly excessive and without any basis. It is further submitted that learned Family Court without recording any finding in respect of income of the revisionist has awarded a very excessive amount of maintenance in favour of opposite party no.2. Lastly, it is submitted that learned Family Court, without considering the comparative hardship of the revisionist has passed the interim order and a very excessive maintenance has been awarded in favour of opposite party no.2.

On the other hand learned counsel for the opposite party no.2 submits that considering the business and financial status of the revisionist, the maintenance awarded by the learned Family Court is almost just and proper and no ground for interference is made out.

Considered the rival submissions of learned counsel for the parties

and perused the record.

The learned Family Court has recorded finding while deciding the issue no. 2 that the opposite party no.2 (wife) has failed to prove the income of the revisionist and only on relying the statement of the revisionist that he is a labourer, has awarded Rs. 6,000/- per month as maintenance in favour of wife. The learned Family Court has not recorded any finding regarding income of the revisionist and the maintenance awarded by the learned Family Court appears to be on higher side.

The criminal revision is partly ***allowed***. The maintenance awarded by the learned Family Court is reduced from Rs. 6,000/- per month to Rs. 4,000/- per month and the entire arrears as on date shall be paid by the revisionist @ 4,000/- per month in six monthly installments, failing which it is open to opposite party no.2 to execute the judgement and order dated 28.03.2023 passed by learned Family Court.

**Order Date :- 11.12.2023**

Virendra