

Court No. - 79

Case :- CRIMINAL REVISION No. - 3443 of 2023

Revisionist :- Saif Ahmad

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

Counsel for Revisionist :- Zafar Abbas, Parvez Ahmad, Sarve Nazir

Counsel for Opposite Party :- G.A., Mohd. Asim Zulfiquar

Hon'ble Vipin Chandra Dixit, J.

Heard Sri Zafar Abbas, learned counsel for the revisionist, learned A.G.A. for the State and Sri Mohd. Asim Zulfiquar, learned counsel for the opposite party no.2.

This criminal revision has been filed by the revisionist against the judgement and order dated 27.07.2023 passed by Additional Principal Judge, Family Court, Court No.-2, Allahabad in Maintenance Case No.- 365 of 2021 by which the interim maintenance @ Rs. 8,000/- per month has been awarded in favour of opposite party no.2, who is wife of revisionist.

It is submitted by learned counsel for the revisionist that the interim maintenance awarded by the learned Family Court is highly excessive and without any basis. The learned Family Court has failed to consider the comparative hardship of the revisionist and awarded a very excessive amount of maintenance in favour of opposite party no.2.

On the other hand, learned counsel for the opposite party no.2 submits that the revisionist is Senior Accountant in the office of Pay and Accounts Division BSF(MHA) and he is getting salary of Rs. 79053/-. This fact has also been admitted by the revisionist in his affidavit filed before the learned Family Court.

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. The husband cannot be heard to say that he is not in a position to earn enough to be able to maintain his wife and children.

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 interim maintenance at the rate of Rs.8,000/- per month in favour of the wife cannot

be treated to be on higher side rather it is too meagre.

In view of 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 entire arrears as on date shall be paid by the revisionist in six equal monthly instalments, failing which it is open for the opposite party no.2 to execute the award.

Order Date :- 24.11.2023

Virendra