

Court No. - 79

Case :- CRIMINAL REVISION No. - 3502 of 2023

Revisionist :- Sadiq Ali

Opposite Party :- State Of U.P. And 3 Others

Counsel for Revisionist :- R.K. Mishra

Counsel for Opposite Party :- G.A.,Prakash Veer Tripathi

Hon'ble Vipin Chandra Dixit,J.

Heard Sri R.K. Mishra, learned counsel for the revisionist, learned AGA for the State and Sri Prakash Veer Tripathi, learned counsel appearing for opposite party Nos. 2 to 4. Perused the record.

This criminal revision has been filed against the order dated 17.5.2023 passed by learned Additional Principal Judge, Family Court, Basti in Maintenance Case No. 171/11 of 2017 (Smt. Kalimunnisha and two others vs. Sadiq Ali), by which application filed by opposite party no.2 under Section 125 Cr.P.C. was partly allowed and the revisionist was directed to pay maintenance of Rs.2000/- per month to wife-opposite party no.2 and Rs.1000/- per month each to opposite party nos 3 & 4 who are minor children of revisionist from the date of application.

Learned counsel for the revisionist submits that learned Family Court has awarded very excessive amount of maintenance without considering comparative hardship of the revisionist.

It is submitted by learned counsel appearing for opposite party nos. 2 to 4 that maintenance of Rs.2000/- per month in favour of wife and Rs.1000/- per month each in favour of minor children cannot said to be excessive, rather it is on lower side.

Keeping in mind the spiraling inflation rate and high cost of living index, this Court is of the view that maintenance amount of Rs.2000/- per month awarded by the Family Court in favour of opposite party no.2 and Rs.1000/- per month each in favour of opposite party nos.3 & 4, cannot be said to be excessive.

In view of above, there is no illegality, infirmity or perversity in the impugned order which may warrant any interference by this Court. 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 nine equal monthly installments to opposite party nos. 2 to 4, failing which it is open for opposite party nos.2 to 4 to get the award passed by the learned Family Court executed.

Order Date :- 4.12.2023

P.P.