

Court No. - 79

Case :- CRIMINAL REVISION No. - 5677 of 2023

Revisionist :- Arun

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

Counsel for Revisionist :- Dinesh Kumar Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Vipin Chandra Dixit,J.

Heard Sri Dinesh Kumar Gupta, learned counsel for the revisionist, learned A.G.A. for the State and perused the record.

This criminal revision has been filed by the revisionist against the judgment and order dated 07.08.2023, passed by Additional Principal Judge, Family Court No. 2, Meerut, in Case No. 220 of 2018 (Suman vs. Arun), under Section 125 Cr.P.C., by which the application filed by opposite party no. 2 under Section 125 Cr.P.C. was allowed and the revisionist was directed to pay Rs. 3,000/- per month to opposite party no. 2, who is wife of revisionist from the date of application i.e. 13.04.2016.

It is submitted by learned counsel for the revisionist that the maintenance awarded by the learned family court is very excessive and without considering the monthly income of the revisionist. It is further submitted that the learned family court without considering the comparative hardship of the revisionist has awarded a very excessive amount of maintenance in favour of opposite party no. 2.

The learned trial court had accepted the monthly income of the revisionist as Rs. 10,000/ per month on relying the evidence adduced by the revisionist. The maintenance @ Rs. 3,000/- per month awarded by the learned 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.3,000/- per month in favour of the wife cannot 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 revisionist shall pay entire arrears as up to date in six equal monthly installments, failing which, it is open to opposite party no. 2 to file application under Section 128 Cr.P.C. for execution of impugned order dated 07.08.2023.

Order Date :- 1.12.2023

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