

Court No. - 29

Case :- CRIMINAL REVISION No. - 1239 of 2023

Revisionist :- Ankit Kumar Pandey

Opposite Party :- Trisha @ Kumari Kanchan Thru. Mother Smt. Annu Mishra
And Another

Counsel for Revisionist :- Sushil Kumar Rastogi

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Renu Agarwal,J.

1. Heard learned counsel for the revisionist and learned AGA for the State.
2. The present revision under Section 19(4) of the Family Courts Act has been preferred against the impugned judgment and order dated 16.08.2023 passed in Criminal Case No. 886 of 2021 computer Registration No. 1047 of 2021 Trisha Kumari Kanchan Vs. Ankit Kumar Pandey through her legal guardian Annu Mishra under Section 125 Cr.P.C., Police Station Kotwali Sadar, District-Lakhimpur Kheri.
3. It is submitted that opposite party No. 1 is under the guardianship of an educated mother-Annu Mishra who is a teacher and she is a qualified person and she had admitted in her statement that she is a teacher in Bhagwandeem Arya Kanya Inter College and her salary is 80,000/- per month and she is looking after the expenses of her daughter. It is also submitted that the revisionist is an engineer, however, due to Covid-19 Pandemic, he has lost his job and he is now preparing for competitive examination, hence he is not in a position to pay any amount towards the maintenance of his daughter. The amount fixed by the trial court is exorbitant and hence the order dated 16.08.2023 is liable to be set-aside.
4. Per contra, learned AGA for the State has submitted that revisionist is an engineer and he is equally liable to maintain her daughter. It is further submitted that the wife of the revisionist did not claim any maintenance for herself and only claimed maintenance for her daughter only and submitted that there is no irregularity, illegality or perversity in the order passed by the court below.

5. From the perusal of the record, it transpires that the wife of the revisionist is a teacher in Bhagwandeem Arya Kanya Inter College and she did not claim any maintenance for herself, however, the daughter aged about 5 years is minor and the court awarded maintenance of Rs. 5,000/- towards the maintenance of his daughter. The revisionist is a qualified engineer and as per the judgment, he is in possession of house as well as in agricultural land also. The revisionist did not disclose his income during trial and he himself earned around Rs. 80,000/- per month as he was a lecturer in engineering College, hence it is evident from the record that revisionist is qualified to earn.

6. There is no illegality in the order passed by the court below, revisionist is a sound person who is competent enough to maintain her daughter, hence the revision is liable to be dismissed.

7. Accordingly, Revision is **dismissed**. Learned trial court is directed to take initiative of compromise through mediation center during the proceedings of 125(3) of the Family Courts Act.

8. In the meantime, revisionist is directed to pay Rs. 2500/- per month to his daughter towards her maintenance from the date of application moved under Section 125 Cr.P.C.

(Renu Agarwal,J.)

Order Date :- 8.11.2023

Karan