



2025:UHC:3151

HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Revision No. 493 of 2023

Lalit Kumar

.....Revisionist

Versus

State of Uttarakhand and others

.....Respondents

Presence:-

Ms. Radha Arya proxy counsel for Mr. Ra Kumar Singh, learned counsel for the revisionist.

Mr. Akshay Latwal, learned A.G.A. for the State.

Mr. Neera Garg, learned counsel for respondent nos. 2 to 4.

Dated : 25.04.2025

Hon'ble Vivek Bharti Sharma, J.

Present criminal revision is filed by the revisionist against the judgment and order dated 25.03.2025 passed by learned Family Court Judge, Dehradun, District Dehradun in Criminal Case No. 308 of 2019 of 2024, whereby the said court has partly allowed the application filed by the respondent nos.2 to 4 under Section 125 Cr.P.C. (*the criminal procedure then was*) and directed the revisionist/husband to pay the maintenance of ₹19,000/- per month as maintenance to respondent no.2 to 4 i.e. wife and sons of revisionist.

2. Learned counsel for the revisionist/husband submit that the impugned judgment and order passed by the learned Family Court, Dehradun is unsustainable in the eyes of law as the same was passed by the concerned without appreciating the facts and evidence on record; that, the revisionist is working as Senior Assistant in Uttarakhand Jal Sansthan and



drawing the salary of ₹49,266/- per month only and out of this monthly salary he has to pay other expenses including the installments of life insurance policies, cooperative society rent of ₹26,806/-, therefore, interim maintenance granted by the trial court is on a very higher side.

3. On the other hand, learned counsel for respondent nos. 2 to 4 would vehemently oppose the above submissions and would submit that in paragraph no. 8 of the impugned order dated 25.03.2025, it has been observed by the learned Family Court, Dehradun that notwithstanding more than sufficient opportunity, the revisionist/husband did not file the statement of his assets and liabilities; that, in absence of the same, the adverse influence has to be drawn against the revisionist.

He would further submit that first duty of the husband and a father is to maintain his family and to meet the expenses of education, food and daily living of his wife and children, however, the revisionist/husband/father designedly has made the situation regarding the deduction of installments of LIC, Cooperative Society and other expenses.

4. Perused the record in view of the submissions made by learned counsel for the parties.

5. Admittedly, the salary of the revisionist is getting ₹49,266/- per month. It is not of the legal of it is moral duty of the husband/father to meet the daily expenses living education food expenses of his legally wedded wife and children and the deduction for the installements of L.I.C. and Cooperative Society cannot



be a ground for giving the lesser maintenance of some whey that deserve being his children and wife.

6. It is trite that the scope of jurisdiction of revision is not as vast as that of appeal. In my view, while considering the revision application, the revisional court has a limited scope. In the revisional jurisdiction, the Court has to see whether there is any illegality, impropriety or incorrectness in the order assailed before the Court, or any irregularity in the proceedings adopted by the court below.

7. Perusal of the impugned judgment of the court below shows that the court has dealt with all the aspects of the matter and has thereafter passed the impugned judgment.

8. Learned counsel for the revisionist could not point out any other irregularity in the proceedings of the lower court or any impropriety, illegality and incorrectness in the impugned orders.

9. In view of the foregoing discussion, this Court is of the view that there is no reason to make any interference in the impugned judgment and order. The revision deserves to be dismissed at the admission stage.

10. Accordingly, the revision is hereby dismissed *in limine*.

11. Let a copy of this order be sent to the trial court for information.

(Vivek Bharti Sharma, J.)

25.04.2025



2025:UHC:3151