



2025:AHC:157339

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 1092 of 2024

Smt Anuprabha

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Revisionist(s) : Satish Solanki

Counsel for Opposite Party(s) : G.A., Manish Pandey, Radhey Krishna Pandey

Court No. - 91

HON'BLE MADAN PAL SINGH, J.

1. List has been revised.

2. Learned counsel for the revisionist states that pursuant to the order of this Court dated 22.08.2025, he had given in writing notice dated 25.08.2025 to the learned counsel for the opposite party no.2 for complying the terms of the order dated 22.08.2025 but the counsel for the opposite party no.2 refused to accept the notice. The notice dated 25.08.2025 be kept on record.

3. Although the names of Shri Manish Pandey and Shri Radhey Krishna Pandey, Advocates, have been mentioned as counsel for the opposite party no.2 but today also no one is present on behalf of the opposite party no.2, hence the Court has left with no option but to proceed to hear and decide the matter on merits with the assistance of learned counsel for the revisionist and learned AGA.

4. Heard Shri Satish Chandra Solanki, learned counsel for the revisionist, learned A.G.A. for the State-opposite party no.1 and perused the record.

5. The instant criminal revision has been preferred for enhancement of the maintenance amount granted vide judgment and order dated 12.01.2024 passed by the Principal Judge, Family Court, Hathras in CaseNo. 343 of 2019 (CNR No. UPHT020010652019), Smt. Anuprabha Vs. Dinesh Singh, under Section 125 Cr.P.C., P.S. Hathras Gate, District Hathras, whereby the trial court has awarded Rs.4,500/- per month as maintenance to the revisionist from the date of application.

6. Learned counsel for the revisionist submits that the revisionist is the legally wedded wife of the opposite party no.2. On 27.11.2015, the marriage

of the revisionist was solemnized with the opposite party no.2, according to the Hindu Rites and Rituals. Learned counsel further submits that at the time of marriage sufficient money and household goods were given to the opposite party no.2 but the family members of the opposite party no.2 were not happy and started demanding more dowry. On account of the additional demand dowry the revisionist was being tortured and harassed at her matrimonial house and due to this, she left matrimonial house and started living at her parental house.

7. Learned counsel for the revisionist further submits that at the time of marriage, opposite party no.2 was working in Al-Jajira Steel Company Saog, Oman and he had admitted his salary as Rs.450/- Riyal per month, in Indian Currency it comes to Rs.96,750/- per month, which finds place in paragraph no.2 of the judgment of the trial court. Learned counsel for the revisionist further submits that the application under Section 125 Cr.P.C. has been filed before the trial court, which was decided vide judgment and order dated 12.01.2024, whereby opposite party no.2 has been directed to pay Rs.4,500/- per month as maintenance to the revisionist, which is very meagre and due to hike in dearness, the revisionist is not able to maintain her livelihood, therefore, the instant revision has been preferred for enhancement of the maintenance awarded by the trial court.

8. On the other hand, learned Additional Government Advocate, appearing for the State-opposite party no.1 states that now the opposite party no.2 has left his job at Oman and now he is unemployed and in his reply the opposite party no.2 has stated that he is postgraduate and earns Rs.15,000/- per month in a company at NOIDA. Since the opposite party no.2 is not working at Oman and his earning is not so high as was at the time of marriage, hence the impugned award does not call for any interference by this Hon'ble Court.

9. On considering the facts and circumstances of the case, submissions made by learned counsel for the revisionist as well as learned A.G.A., perusal of record, it is admitted case of the revisionist that she is legally wedded wife of the opposite party no.2. It is also admitted that at the time when the application under Section 125 Cr.P.C. was moved, the opposite party no.2 was working in Al-Jajira Steel Company, Saog, Oman and earns Rs.450/- Riyal per month (para-2 of the judgment). When opposite party no.2 was cross-examined, the opposite party no.2 admitted that one Riyal is equal to Rs.215/- in Indian Currency, meaning thereby, when this application was moved by the opposite party no.2, the opposite party no.2 was in job at Oman and earning handsome amount of salary but now he is in India & doing private job in NOIDA.

10. So far as contention raised in his reply that he is working in NOIDA and earns Rs.15,000/- per month, there is nothing on record to substantiate this aspect of the matter. It is clear from the record that he is postgraduate and at the time of marriage, he was earning handsome money.

11. From the record, it reflects that the revisionist is living separately at her parental house due to neglect by the opposite party no.2, this Court being the Revisional, at this stage cannot re-appreciate the evidence and also substitute its own finding in place of findings of fact recorded by the trial court on the issue in question.

12. So far as income of the revisionist is concerned, even if it is presumed that the revisionist being postgraduate can easily earn Rs.1000/- per day and if so, then it comes to Rs.30,000/- per month and in view of the **Rajesh Versus Neha and Another (2021) 2 Supreme Court Cases 324; Kalyan Dey Chowdhury vs. Rita Dey Chowdhury Nee Nandy AIR 2017 Supreme Court 2383 and Kulbushan Kumar Vs. Raj Kumari (1970) 3 SCC 129**, the maintenance amount can be fixed to the extent of 25% of the net salary/income of the husband and as per the guidelines of the Apex Court 25% comes to Rs.7,500/-. However, the trial court in its judgment has assumed the income of the revisionist as Rs.15,000/- per month and has awarded Rs.4,500/- per month to the opposite party no.2 which is in lower side.

13. In view of above, this Court assumes that the revisionist being a postgraduate and able bodied person can earn Rs.1,000/- per day and it comes to Rs.30,000/- per month and as per the guidelines mentioned above, its 25% comes to Rs.7,500/-, which would be just and reasonable, hence the maintenance of Rs.4,500/- awarded by the trial court is in lower side which deserves to be modified.

14. The Apex Court further observed in the judgments cited above that there should be a balance between the income of the husband and the maintenance awarded by the court.

15. In view of the facts and circumstances stated hereinabove, the amount of maintenance Rs. 4,500/- is lower side and not in proportionate to the income of the husband and the observations made by the Hon'ble Supreme Court in aforesaid cases, therefore, it is liable to be modified. The amount of maintenance is modified from Rs. 4,500/- per month to Rs. 7,500/- per month from the date of application. The aforesaid amount will be payable in terms of order passed by trial court dated 12.01.2024.

16. So far as the arrears of the amount of maintenance is concerned, the opposite party no.2 is directed to pay the arrears of maintenance in 12 equal instalments. The first instalment shall fall due on 15th of October, 2025 and the remaining 11 instalments shall be paid on fifteenth of each calendar month. In case, any amount has already been deposited, the same shall be adjusted.

17. Accordingly, the present revision is ***partly allowed*** and the amount of maintenance is modified as aforesaid.

September 8, 2025
Prajapati RK

(Madan Pal Singh,J.)