



2025:AHC:164095

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 2716 of 2024

Jagmeet Singh

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Anil Kumar Dubey
Counsel for Opposite Party(s)	:	Dheeraj Kumar Singh, G.A.

Court No. - 91

HON'BLE MADAN PAL SINGH, J.

1. Case is called out in the revised list. No one appears for opposite party no.2 despite the fact that as per office report dated 19th September, 2024 notice has been served upon opposite party no.2 and name of Mr. Dheeraj Kumar Singh, Advocate has been shown on her behalf.
2. Heard Mr. Anil Kumar Dubey, learned counsel for the revisionist and the learned A.G.A. for the State.
3. This criminal revision has been filed by the revisionist under Section 397/401 Cr.P.C. with a prayer to set aside the judgment and order dated 20th March, 2024 passed by the Principal Judge, Family Court, Pilibhit in Maintenance Case No. 886 of 2020 (Manpreep Kaur Vs. Jagmeet Singh) under Section 125 Cr.P.C. Police Station-Amariya, District-Pilibhit, whereby the trial court while partly allowing the application filed by opposite party no.2 under Section 125 Cr.P.C. has directed the revisionist to pay Rs. 8,000/- per month to opposite party no.2 (wife) towards maintenance allowance on 10th day of each calendar from the date of filing of instant application.
4. The sole and solitary contention of the learned counsel for the revisionist is that the monthly maintenance allowance awarded by the trial court under the impugned judgment in favour of opposite party no. 2 to the tune of total Rs. 8,000/- per month is too excessive and exorbitant and is not incommensurate with the income of the revisionist on the ground that at present the revisionist is unemployed and has no source of income and he somehow earns few money for his livelihood by farming. Learned counsel for the revisionist further submits that though the opposite party no.2 has alleged before the trial court that the revisionist has 50 to 60 buffaloes and by selling their milk, the revisionist earns a lot of money but in that regard no documentary evidence has been produced before the trial court on behalf of opposite party no.2.

5. Learned counsel for the revisionist next submits that the trial court, only on the basis of oral statements made by opposite party no.2 with regard to income of the revisionist, has awarded the monthly maintenance allowance in her favour under the impugned judgment, which is per se illegal and unsustainable in the eyes of law. The trial court before awarding such monthly maintenance allowance in favour of opposite party no.2 assessed the exact income of the revisionist on the basis of documentary as well as oral evidence adduced before it and thereafter such monthly maintenance allowance should have been awarded. The revisionist has no permanent source of income. He has two acres of agricultural land, which come to 3 bighas and by farming on such land, he earns some money not every month but at the end of the year. On the above premise, learned counsel for the revisionist prays that considering the above facts and circumstances, the amount of maintenance allowance by the trial court under the impugned judgment may be reduced to some extent.

6. Except the above contention, learned counsel for the revisionist has not stated anything else.

7. On the other-hand, the learned A.G.A. for the State has opposed the submissions made by the learned counsel for the revisionist by submitting that the trial court has not committed any illegality or infirmity in passing the impugned judgment and awarding Rs. 8,000/- per month in favour of opposite party no.2 from the date of filing of application under Section 125 Cr.P.C. so as to warrant any interference by this Court in exercise of revisional jurisdiction.

8. Besides the above, learned A.G.A. submits that it is not undisputed fact that opposite party no.2 is legally wedded wife of the revisionist and it is obligatory upon him to maintain his wife i.e. opposite party no. 2. It is next submitted that the revisionist, being an able bodied person, is having a degrees of double M.A. and he is owner of 3 bighas of agricultural land and in that circumstance, looking to the present scenario and inflation, the amount of maintenance allowance as awarded by the trial court under the impugned judgment cannot be said to be excessive or exorbitant.

9. On the above premise, learned A.G.A. submits that since the trial court while passing the impugned judgment has not committed any error in the eyes of law, therefore, present criminal revision is liable to be dismissed.

10. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties as well as perusal of record including the impugned judgment, this Court finds that it is an admitted case that the

opposite party no. 2 is legally wedded wife of the revisionist and as per the settled law, the revisionist cannot shirk from his pious liabilities for maintaining his legally wedded wife. There is nothing on record to show that the opposite party no.2 has any source of income so that she may maintain herself.

11. Since learned counsel for the revisionist has not stated anything about the separate living of opposite party no.2 from her husband i.e. revisionist, this Court has nothing to record or discuss anything about it.

12. So far as the income of the revisionist is concerned, this Court may record that it is admitted by the revisionist himself that he has 2 acres i.e. 3 bighas of agricultural land but it is also clear that the farming does not generate income every month but it happens at the end of the year and that too temporarily and not regularly.

13. The trial court under the impugned judgment considering the oral statements of opposite party no.2 that the revisionist is running a dairy farm having 50 to 60 buffaloes and from selling their milk, he earns a lot of money. However, in the entire findings recorded by the trial court, there is no mention as to how much exact amount, the revisionist earns per month from the farming as well as from selling milk and without assessing the exact amount, the trial court has awarded Rs. 8,000/- per month in favour of opposite party no.2 towards maintenance allowance, which is incorrect in the eyes of law.

14. Perusal of the entire record goes to show that the revisionist has not claimed that he is not physically deformed. It is admitted on record that the revisionist is an able bodied person and he is having degree double M.A. and is owner of 3 bighas' of agricultural land.

15. The Hon'ble Supreme Court of India in the case of **Rajnesh Vs. Neha** reported in (2021) 2 SCC 324 has opined that since it is the sacrosanct duty of the husband to provide financial support to the wife, the husband is required to earn money even by physical labour, if he is able-bodied, and cannot not avoid his obligation.

16. In that circumstance, at the present time, in the opinion of the Court, the revisionist, who is an able bodied person, having 3 bighas of agricultural land and also degree of double M.A., would have earned Rs. 24,000/- per month.

17. The Hon'ble Supreme Court of India in the cases of **Rajnesh Vs. Neha** (Supra) and **Kulbhushan Kumar (Dr) v. Raj Kumari** reported in (1970) 3 SCC 129, has observed that the maintenance allowances can be granted up to the extent of 25% of the net income of the husband. The maintenance amount awarded must be reasonable and realistic, and avoid either of the two

extremes i.e. maintenance awarded to the wife should neither be so extravagant which becomes oppressive and unbearable for the respondent, nor should it be so meagre that it drives the wife to penury.

18. Keeping in view of the income of revisionist as well as guidelines issued by the Hon'ble Apex Court in **Rajnesh v. Neha and Kulbhushan Kumar (Dr) (Supras)**, this court is of the considered opinion that the amount of maintenance allowance fixed by the court below is not incommensurate as per the law laid down by the Hon'ble Supreme Court in the aforesaid cases and 25% of Rs. 24,000/- per month would be Rs. 6,000/- per month. As such, Rs. 6,000/- towards total monthly maintenance allowance in favour of opposite party no. 2 is just reasonable and realistic. Accordingly, the amounts of monthly maintenance allowance as awarded by the trial court under the impugned judgment are reduced to Rs. 6,000/- per month in favour of opposite party no.2 (wife) from Rs. 8,000/- per month and the same shall be payable from the date of filing of the instant application.

19. Consequently, the judgment and order dated 20th March, 2024 passed by the Principal Judge, Family Court, Pilibhit in Maintenance Case No. 886 of 2020 (Manpreep Kaur Vs. Jagmeet Singh) under Section 125 Cr.P.C. Police Station-Amariya, District-Pilibhit is modified to the extent that now the revisionist shall pay Rs. 6,000/- per month in favour of opposite party no.2 (wife) in place of Rs.8,000/- per month towards maintenance allowance from the date of filing of application. Since the revisionist has no regular source of income, it would be too harsh for him to pay arrears of maintenance allowance as directed above in one stroke. This Court therefore, provides that the same shall be paid by the revisionist in 15 monthly equal installments. The first installment shall commence from 5th October, 2025.

20. It is also clarified that the arrears of amount towards maintenance allowance as awarded by the court below shall be calculated on the basis of amount of maintenance allowance as fixed by this Court herein above and after that if it is found that any amount has been paid in excess, the same shall be adjusted from the amount to be paid.

21. The present criminal revision is, accordingly, **partly allowed**.

22. There shall be no order as to costs.

September 15, 2025

Sushil/-

(Madan Pal Singh,J.)