

HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Revision No.13 of 2023

Smt. Hema Mehra Revisionist

Versus

State of Uttarakhand and another Respondents

Present:-

Mr. Girish Chandra Lakhchaura and Mr. Dushyant Mainali,
Advocates for the revisionist.
Mr. Siddhartha Bisht, AGA for the State/respondent no.1.
Mr. Lalit Miglani and Mr. Aakib Ahmed, Advocate for
respondent no.2.

Hon'ble Ravindra Maithani, J. (Oral)

The challenge in this revision is made to order dated 02.05.2022, passed in Misc. Criminal Case No.121 of 2020, Hema Mehra Vs. Pooran Singh Mehra, by the Judge, Family Court, Haldwani, District Nainital ("the case"), by which, while allowing an interim maintenance application, filed by the revisionist, the respondent no.2 was directed to pay Rs.9,000/- per month to her as interim maintenance.

2. Heard learned counsel for the parties and perused the record.

3. The revisionist did file an application under Section 125 of the Code of Criminal Procedure, 1973 ("the Code") seeking maintenance from respondent no.2 along with it, she also filed an application for interim maintenance on the ground that it might take some time for final disposal of the application under Section 125 of the Code.

4. It is the case of the revisionist that she is not able to maintain herself, whereas the respondent no.2 works as Assistant Professor Mathematics in a Government Degree College and gets Rs.1 Lakh per month salary. Therefore, she may be awarded Rs.40,000/- per month as maintenance.

5. Her interim maintenance application has been objected to by the respondent no.2 on the multiple grounds including the previous matrimonial relations and life of the revisionist. The Court, in the impugned order, observed that if the revisionist was married earlier with a divorcee and have illicit relationship with a person does not affect the status of the revisionist as wife of the respondent no.2, which is admitted.

6. In the impugned order, it is observed that according to the revisionist the salary of the respondent no.2 is Rs.1 Lakh per month and this has not been objected to by the respondent no.2. While observing, the court directed the respondent no.2 to pay Rs.9,000/- per month as interim maintenance to the revisionist.

7. Learned counsel for the revisionist submits that the amount of the interim maintenance is quite low; it should be enhanced to Rs.25,000/-.

8. Learned counsel for the respondent no.2 submits that the proceedings of the court below was stayed by this Court in a proceeding under Section C-482 of the Code; there may be chances of amicable settlement between the parties. He submits that the amount is to be enhanced keeping in view the income and all the attending factors. He submits that the respondent no.2 has a child from his previous wife and his aging parents are also staying with him.

9. It is always a win-win situation for the parties, if the matter could be amicably settled between the parties. But, for this purpose, at this stage, the matter may not be adjourned now. In fact, on 12.12.2025, when the matter was adjourned at the request of the learned counsel for the respondent no.2, the Court had observed, “No adjournment on whatsoever ground shall be considered on that date”.

10. A small question that needs deliberation is that the revisionist claims that her husband/respondent no.2 is Assistant Professor Mathematics and having Rs.1 Lakh per month salary. This fact, according to the impugned order, has not been disputed by the respondent no.2. If it is so, the amount of Rs.9,000/- per month as an interim maintenance is definitely on lower side.

11. Having considered, the financial resources and liabilities of the parties, this Court is of the view that the amount of the interim maintenance that has been awarded to the revisionist is on lesser side. The amount of interim maintenance should be enhanced to Rs.25,000/- per month and, accordingly, the revision deserves to be disposed of.

12. The respondent no.2 shall pay Rs.25,000/- per month, as interim maintenance, to his wife, the revisionist.

13. The impugned order is modified accordingly.

14. In view thereof, the revision stands disposed of.

(Ravindra Maithani, J.)

12.03.2026

Sanjay