



2026:UHC:4614

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>CRLR/106/2019</u> <u>Hon'ble Manoj Kumar Tiwari, J</u> 1. Mr. Shashi Kant Shandiliya, learned counsel for the petitioner. 2. Mr. N.K. Papnoi, learned Standing Counsel for the State of Uttarakhand. 3. Ms. Gurbani Singh, learned counsel for respondent nos. 2 & 3. 4. Husband has filed this criminal revision challenging order dated 24.12.2018 passed by learned Judge, Family Court, Haridwar in Criminal Case No. 150 of 2015. By the said order, application seeking maintenance filed by his wife & minor son, was allowed and revisionist was directed to pay ₹12,000/- as maintenance to his wife and ₹6,000/- as maintenance to his minor child, each month. 5. Learned counsel for the revisionist submits that revisionist has challenged the said order on the ground that his wife had independent income, as she used to file income tax return, and as per Income Tax Return for Assessment Year 2014-15, her income was ₹2,25,000/- per year. 6. Ms. Gurbani Singh, learned counsel appearing for respondent-wife, per contra, submits that her client used to give tuition to school going children at her residence and she had some income for which she filed Income Tax Return upto Assessment Year 2014-15; since her marriage was solemnised with the revisionist on 17.07.2013 and a son was



		born out of the wedlock on 09.06.2014, therefore, respondent-wife could not continue her tuition classes thereafter and she lost whatever small income she had from tuition. She, thus submits that after 09.06.2014, when a child was born to the respondent-wife, she was left without any income whatsoever. 7. Learned counsel for the revisionist then contended that Family Court, Haridwar did not have jurisdiction to entertain the application for maintenance filed by respondent wife, as she was residing at Delhi with her parents, and at the time of filing of application of maintenance also she was residing at Delhi. 8. Per contra, learned counsel appearing for respondent wife submits that her client was residing at her parental house at Haridwar in 2015, when application seeking maintenance was filed by her. She further submits that suit for divorce, which was filed by revisionist-husband before Family Court at Delhi was also transferred by Hon'ble Supreme Court on the request of her client to Haridwar in the year 2022. 9. Ms. Gurbani Singh, Advocate further submits that stand taken by revisionist-husband that he has taken home and business loan and has to pay instalments for repayment of loan cannot come in the way of wife claiming maintenance in view of the law laid down by Hon'ble Apex Court in the case <i>Deepa Joshi vs. Gaurav Joshi (SLP CRL.) No. 15662 of 2025 decided on 16.04.2026</i>). Operative portion of the said judgment is reproduced below:-
--	--	---



			“16. The obligation of the husband to maintain his spouse is a primary and continuing duty, which must be discharged in a manner that enables the wife to live with dignity and in a standard commensurate with that enjoyed during the subsistence of the marriage. Viewed thus, deductions on account of asset-generating repayments cannot be permitted to substantially dilute the respondent's real earning capacity for the purpose of determining maintenance. We are of the opinion that a sum of ₹25,000/- per month would be just, fair and reasonable in the facts of the present case. 17. The impugned judgment dated 26.06.2025, passed by the High Court of Uttarakhand, is modified to the extent that the maintenance payable to the appellant-wife shall be enhanced to ₹25,000/- per month.” 10. The grounds of challenge taken by revisionist are not sustainable in the eyes of law. Learned court below has considered similar contentions raised on behalf of the revisionist and held them to be unsustainable. This Court concurs with the reasoning given by learned court below. 11. Thus, this Court is not inclined to interfere with the order impugned in the revision. Perusal of the impugned order reveals that revisionist is co-owner of two flats with his brother at Delhi and independently maintains a car. It is further revealed that revisionist is engaged in wholesale business of stationary at Delhi. Revisionist admitted before learned court below that he is earning ₹35,000/- per month. Thus, the amount, awarded as maintenance, cannot be said to be excessive or unreasonable. Thus, there is no scope for interference in the matter and the revision is liable to be dismissed and is hereby dismissed.
--	--	--	---



2026:UHC:4614

			12. It is directed that revisionist shall pay arrears of maintenance to respondent in terms of order passed by Judge, Family Court, Haridwar, within eight weeks from the date of presentation of certified copy of this order. (Manoj Kumar Tiwari, J) 09.06.2026 Aswal NITIRAJ SINGH ASWAL
--	--	--	---