



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/313/2025</u> Meenakshi Joshi --Revisionist Versus State Of Uttarakhand --Respondent <u>Hon'ble Alok Mahra, J.</u> Mrs. Devika Tiwari, Advocate for the revisionist. Mr. J.P. Kandpal, Brief Holder for the State of Uttarakhand. Mr. Shobhit Joshi and Mr. Manish Kumar, Advocates for respondent no.2. 2. This Criminal Revision has been preferred by the revisionist seeking enhancement of the maintenance awarded in her favour vide judgment and order dated 25.03.2025 passed by learned Additional Principal Judge, Family Court, Haldwani, District Nainital in Case No.77 of 2021, instituted under Section 125 of the Code of Criminal Procedure, 1973, whereby the application filed by the revisionist was allowed and respondent no.2 was directed to pay a sum of ₹9,000/- per month towards her maintenance. 3. Learned counsel for the revisionist submits that respondent no.2 is serving as a Forest Guard in the Forest Department of the State and, as per the salary slip for the month of July, 2025, his gross monthly salary is ₹54,315/-, whereas his net monthly salary, after statutory deductions, is ₹48,615/-. It is further submitted that the mother of respondent no.2 is a pensioner and is receiving pension exceeding ₹15,000/- per



			month and, therefore, she is not financially dependent upon respondent no.2. It is also submitted that the minor daughter of respondent no.2 is residing with him and, from the documents placed on record relating to her school fees, the annual educational expenditure would approximately be between ₹50,000/- and ₹60,000/-. Learned counsel submits that learned Family Court has already taken into consideration the educational, transportation and other incidental expenses of the daughter and has appropriately assessed the same at about ₹10,000/- per month while determining the financial liability of respondent no.2. It is further submitted that the revisionist is suffering from a slipped disc and is required to undergo regular physiotherapy, for which she incurs an expenditure of approximately ₹3,000/- to ₹4,000/- per session, besides other medical expenses. It is contended that even after accounting for the expenditure incurred by respondent no.2 towards the education and maintenance of his daughter, he still retains a substantial disposable monthly income and is, therefore, financially capable of paying enhanced maintenance to the revisionist. 4. Per contra, learned counsel appearing for respondent no.2 submits that apart from the school fees and transportation expenses of his daughter, respondent no.2 is also incurring approximately ₹5,000/- per month towards her private tuition. It is further submitted that respondent no.2 is repaying loan instalments and insurance premiums, owing to which he is left with insufficient income for his own sustenance. It is, therefore, argued that no case for enhancement of maintenance is made out. 5. In rejoinder, learned counsel for the revisionist submits that all the aforesaid pleas relating to educational expenses, loan liabilities and insurance payments had already been raised before the learned Family Court and were duly considered while passing
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			the impugned order. It is submitted that the respondent cannot seek to reagitate the very same issues in the present proceedings without placing any fresh material on record. 6. I have considered the rival submissions advanced by learned counsel for the parties and have perused the material available on record. It is undisputed that respondent no.2 is in regular government service and is drawing a net monthly salary of approximately ₹48,615/-. Learned Family Court has already taken into account the expenses incurred by respondent no.2 towards the maintenance and education of his daughter while determining his financial capacity. At the same time, the medical condition of the revisionist, who is stated to be suffering from a slipped disc and is incurring recurring expenditure on physiotherapy and treatment, also deserves due consideration. The object of granting maintenance under Section 125 Cr.P.C. is to ensure that the wife is able to maintain herself with dignity and is not reduced to a state of destitution. The amount awarded should be realistic, fair and commensurate with the financial capacity of the husband as well as the reasonable needs of the wife. 7. Having regard to the income of respondent no.2, the liabilities already taken into consideration by the learned Family Court, the medical expenses being incurred by the revisionist and the overall facts and circumstances of the case, this Court is of the considered opinion that the maintenance awarded to the revisionist requires enhancement. 8. Accordingly, the maintenance payable to the revisionist is enhanced from ₹9,000/- per month to ₹14,000/- per month. The enhanced amount shall be payable with effect from the month of August, 2026 and shall be paid by respondent no.2 on or before the 10th day of each succeeding calendar month.
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ou=JUDICIAL OFFICE OF UTTARANCHAL,
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