



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/361/2021</u> Jyoti Devlal Revisionist Versus State Of Uttarakhand Respondent <u>Hon'ble Alok Mahra, J.</u> Mr. Raj Kumar Singh, learned counsel for the revisionist. 2. Mr. Deepak Bisht, learned Deputy A.G. for the State. 3. Mr. Bhuwan Bhatt, learned counsel for respondent no.2. 4. By means of the present criminal revision, the revisionist has assailed the judgment and order dated 08.11.2021 passed by the learned Judge, Family Court, Dehradun in Case No.213 of 2019, whereby the application preferred by the revisionist under Section 125 of the Code of Criminal Procedure has been partly allowed and the respondent no.2 has been directed to pay maintenance to the revisionist-wife at the rate of ₹10,000/- per month from the date of filing of the application. 5. Learned counsel for the revisionist would submit that the marriage between the revisionist and respondent no.2 was solemnized on 10.05.2017 according to Hindu rites and ceremonies; that, after the marriage, disputes arose between the parties on account of matrimonial discord, owing to which the revisionist was compelled to leave her matrimonial home and has since been residing with her sister; that, the revisionist thereafter



		instituted proceedings under Section 125 Cr.P.C. claiming maintenance; that, the respondent no.2 filed his objections thereto; that, although the Family Court, after considering the material available on record, awarded maintenance of only ₹10,000/- per month, the amount awarded is wholly inadequate and disproportionate to the income and financial status of respondent no.2; that, the impugned judgment has been passed without properly appreciating the evidence on record and that the revisionist was compelled to live separately on account of the neglect and refusal of respondent no.2/husband to maintain her. 6. Learned counsel for the revisionist would further submit that at the time of filing of the maintenance proceedings, respondent no.2 was serving as an Assistant Manager in the State Bank of India and was drawing a gross monthly salary of approximately ₹83,154/-; that, the Family Court committed an error in taking into consideration the alleged liability of respondent no.2 towards the maintenance of his mother, despite the admitted position that the father of respondent no.2 is a pensioner receiving approximately ₹30,000/- per month, which was sufficient to maintain her; that, respondent no.2/husband has no other substantial financial liabilities warranting the award of such a meagre amount of maintenance. 7. Per contra, learned counsel appearing for respondent no.2/husband would submit that the salary of ₹83,154/- represents the gross monthly salary and that after statutory deductions, repayment of festival loan, vehicle loan and other deductions, the net take-home salary of
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		respondent no.2 comes to approximately ₹53,000/- per month; that, the said loans were availed during the subsistence of the marriage for the benefit of the family and, therefore, the Family Court rightly assessed the financial capacity of respondent no.2 while awarding maintenance. It is also contended that the revisionist is a highly qualified lady possessing the qualifications of M.Sc. and B.Ed. and had been working as a teacher in a private institution prior to the marriage; that, the bank statements of the revisionist disclose several monetary deposits indicating that she is earning and is capable of maintaining herself. Hence, no interference with the impugned judgment is called for. 8. In reply, learned counsel for the revisionist would submit that the revisionist has always been ready and willing to resume cohabitation with respondent no.2, but it is respondent no.2 who has refused to take her back to the matrimonial home; that, although the revisionist is well qualified, she is presently unemployed and has no independent source of livelihood; that, the deposits reflected in her bank account were made by her parents from time to time to enable her to meet her day-to-day expenses after she was forced to leave the matrimonial home. 9. He would further submit that respondent no.2 himself admitted before the Family Court that his personal monthly expenditure is approximately ₹15,000/-. It is argued that a legally wedded wife is entitled to live with the same dignity and standard of living as enjoyed by her husband, therefore, the award of maintenance at the rate of
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			₹10,000/- per month is grossly inadequate considering the income, social status and financial capacity of respondent no.2 and deserves to be enhanced. 10. Heard learned counsel for the parties and perused the material available on record. 11. It is undisputed that the revisionist is the legally wedded wife of respondent no.2. It is also not in dispute that respondent no.2 is working as an Assistant Manager in the State Bank of India and is earning a regular salary. The record further shows that his father is a pensioner and his two brothers are employed in Government service. Therefore, the plea of heavy family liabilities is not sufficient to reduce or avoid his statutory obligation to maintain his wife under Section 125 Cr.P.C. The loans relied upon by respondent no.2 are personal financial commitments and cannot override his statutory obligation to maintain his legally wedded wife under Section 125 Cr.P.C. It is a settled principle of law that a legally wedded wife is entitled to maintenance commensurate with the status, income and standard of living of her husband. 12. In <i>Sunita Kachwaha v. Anil Kachwaha</i>, reported in (2014) 16 SCC 715, the Hon'ble Supreme Court has held that merely because the wife is educated or has some earning capacity, she cannot be denied maintenance unless it is established that she has sufficient independent income to maintain herself in a manner commensurate with the status of her husband. The Court has further held that maintenance must be realistic
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			and should enable the wife to live with dignity. 13. In the present case, no cogent evidence has been placed on record to establish that the revisionist has any stable or sufficient independent source of income. On the contrary, respondent no.2 has admitted before the Family Court that his own monthly personal expenditure is approximately ₹15,000/-. Having regard to the income and financial capacity of respondent no.2, the standard of living to which the revisionist is entitled, and the principles governing grant of maintenance under Section 125 Cr.P.C., this Court is of the considered opinion that the maintenance awarded by the Family Court requires enhancement. 14. Consequently, the judgment and order dated 08.11.2021 passed by the learned Judge, Family Court, Dehradun in Case No.213 of 2019 is modified to the extent that the maintenance payable by respondent no.2 to the revisionist is enhanced from ₹10,000/- per month to ₹15,000/- per month. The enhanced amount shall be payable from the date from which maintenance was originally awarded by the Family Court, and all other conditions contained in the impugned judgment shall remain unaltered. 15. The criminal revision is, accordingly, allowed to the aforesaid extent. 16. Pending applications, if any, also stand disposed of. MA MTA RANI Digitally signed by MAMTA RANI DN: c=IN, o=HIGH COURT OF UTTARAKHAND, ou=HIGH COURT OF UTTARAKHAND, 2.5.4.20=6a812005bebf46f244f3e584af1449e430ef900bf09a6d67ebbd642671329b, postalCode=263001, st=Uttarakhand, serialNumber=5de1751a4f1d9cabfd54852c9e68911ca8b66dd26690a191648ab5d8dd004ef0, cn=MAMTA RANI Date: 2026.08.05 17:37:25 +05'30' (Alok Mahra, J.) 04-08-2026 Mamta
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