2026:AHC:209762

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 2614 of 2025

Aakil

.....Revisionist(s)

Versus

State Of U.P. And 4 Others

.....Opposite Party(s)

Counsel for Revisionist(s)	:	Abhishe Pandey, Praveen Singh
Counsel for Opposite Party(s)	:	G.A., Mohd. Akbar Shah Alam Khan

Court No. - 84

HON'BLE LAKSHMI KANT SHUKLA, J.

1. Heard Mr. Abhishek Pandey, learned counsel for the revisionist, learned A.G.A. for the State and Mr. Mohd. Akbar Shah Alam Khan, learned counsel for O.P. Nos. 2 to 5.

2. Perused the record.

3. Revisionist Aakil has approached this Court by means of present criminal revision challenging the impugned judgement and order dated 18.02.2025 passed by Additional Principal Judge, Family Court, Court no. 2, Muzaffarnagar (herein after referred as "the Trial Court") in Case No. 143/11 of 2024 wherein the trial court allowed the maintenance application filed by O.P. Nos. 2 to 5 ordering the revisionist to pay Rs. 3,000/- per month to O.P.No. 2 and Rs. 1,000/- per month each to O.P. Nos. 3 to 5 during maintenance proceedings as interim maintenance.

4. Feeling aggrieved from that order, the present criminal revision has been filed on the grounds that the impugned order is illegal, unjust and against the provisions of law. The impugned order has been passed on the basis of presumption, based on surmises and conjuncture and a prayer for allowing the instant criminal revision and setting aside the impugned order has been made.

5. Learned counsel for the revisionist submitted that the O.P. No. 2 has solemnized the second marriage. He has no objection on maintenance amount fixed for his children, i.e. opposite party nos. 3 to 5. It is thus

contended that in the aforesaid premise, the present criminal revision may be allowed, accordingly.

6. *Per contra*, learned A.G.A. for the State as well as learned counsel for O.P.Nos. 2 to 5 have vehemently opposed the present criminal revision and submitted that firstly the instant criminal revision has been filed against the interim maintenance order. While deciding the application for interim maintenance, the court is required to see only the matrimonial relationship or the relation of parents and children to fix a least amount for the claimants livelihood. Nothing more than that has to be considered at the stage of granting interim maintenance. So far as the allegation of revisionist's counsel that O.P.No. 2 has solemnized her second marriage is concerned, no certain date and time has been disclosed by learned counsel for the revisionist, and, if it is presumed that O.P. No. 2 has solemnized second marriage, after passing of aforesaid order, it can not be a ground for challenging the impugned order made on the basis of subsequent development of fact. It is further contended that the amount of Rs. 3,000/- per month for wife and Rs. 1,000/- per month for children is very meager amount especially the interim maintenance amount awarded for children are insufficient to fulfill anyone's basic need. It is thus contended that in view of aforesaid premise the present criminal revision has no force at all and is liable to be dismissed by this court.

7. When confronted with above, learned counsel for the revisionist could not over come the same.

8. Having heard the rival submissions advanced by learned counsel for the parties and upon perusal of the record, we find no force in the present criminal revision. It is well settled that the validity or legality of an order passed by the Court is to be examined on the basis of the facts and circumstances existing as on the date of passing of the said order, and such order cannot ordinarily be assailed in revisional jurisdiction on the basis of facts or circumstances that came into existence subsequently. In the present case, the grounds sought to be urged by the revisionist are founded upon subsequent developments, which cannot furnish a valid ground to interfere with the impugned order. Accordingly, no case for interference in exercise of revisional jurisdiction is made out. The present

criminal revision is, therefore, devoid of merit and is liable to be dismissed.

9. It is accordingly, **dismissed.**

(Lakshmi Kant Shukla,J.)

October 7, 2026
RPD

Digitally signed by :-
RATAN PRAKASH DWIVEDI
High Court of Judicature at Allahabad