2026:AHC:226919

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 5177 of 2025

Smt Shalini Pal

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Revisionist(s)	:	Shiv Prakash
Counsel for Opposite Party(s)	:	Bholeshwar, G.A., Ramesh Kumar

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Court No. - 84

HON'BLE LAKSHMI KANT SHUKLA, J.

1. Heard Mr. Shiv Prakash, learned counsel for revisionist, Mr. Bholeshwar, learned counsel for opposite party no. 2, learned A.G.A. representing the State and perused the record.

2. Revisionist Smt. Shalini Pal has approached this Court by means of present criminal revision challenging the impugned order dated 10.06.2025 passed by the Additional Principal Judge, Family Court No. 4, Agra (hereinafter referred to as "the Trial Court") in Maintenance Case No. 358 of 2023, Smt. Shalini Pal v. Ashish Wardhan, Police Station Shikandara, District Agra. By the impugned order, the Trial Court partly allowed the application for interim maintenance and directed the opposite party no. 2 to pay Rs. 1500/- per month as interim maintenance.

3. Feeling aggrieved from the impugned order, the present Criminal Revision has been filed on the grounds that the impugned order has been passed in arbitrary manner, without considering the prevailing cost of living. Accordingly, a prayer for allowing the present criminal revision and setting aside the impugned order by enhancing the amount of interim maintenance has been made.

4. Learned counsel for the revisionist submitted that the impugned order relates to interim maintenance. At the stage of deciding an application for interim maintenance, the Trial Court

is required to ascertain the requisite relationship between the revisionist and opposite party no. 2 and upon being satisfied in this regard, pass an appropriate order for maintenance in favour of the wife, children or parents, as the case may be. It is further submitted that the amount of interim maintenance must be commensurate with the prevailing cost of living and sufficient to meet the basic needs of the applicant.

5. It is further argued that the amount of Rs. 1,500/- per month awarded as interim maintenance is too meagre to enable a woman to maintain herself and even meet her basic needs. It is, thus, contended that the present revision is liable to be allowed setting aside the impugned order and the Trial Court be directed to decide the matter afresh.

6. Per contra, learned A.G.A. and learned counsel for opposite party no. 2 vehemently opposed the revision and supported the impugned order. Learned counsel for opposite party no. 2 submitted that the impugned order relates to interim maintenance and has been passed by the Trial Court in the proper exercise of its discretion. It is, thus, contended that the present revision is devoid of merit and is liable to be dismissed.

7. Having heard the rival submissions advanced by learned counsel for the parties and upon perusal of the record, this Court is of the opinion that considering the prevailing cost of living, the amount of Rs. 1,500/- per month is too meager to enable a woman to maintain herself with dignity. Even her basic needs, including food, can hardly be met with such a meager amount. This Court is of the considered opinion that the amount of interim maintenance must be in consonance with the economic condition of the parties, while also taking into consideration the prevailing cost of living. Once a person is found capable of maintaining another person, the amount of maintenance must be reasonable and sufficient to enable the dependent to meet at least his or her basic needs in accordance with the prevailing cost of living. However, the Trial Court failed to take this aspect into consideration while passing the impugned order. In view of the above premise, the present criminal revision deserves to be

allowed.

8. Accordingly, the present criminal revision is **allowed**. The impugned order dated 10.06.2025 passed by the Additional Principal Judge, Family Court No. 4, Agra in Maintenance Case No. 358 of 2023, Smt. Shalini Pal v. Ashish Wardhan is hereby **set aside.**

9. The matter is remitted to the Trial Court concerned for adjudication afresh. The Trial Court is directed to pass a fresh order in the application for interim maintenance moved by the revisionist, in light of the observations made hereinabove and in accordance with law.

November 2, 2026
Brijesh Maurya

(Lakshmi Kant Shukla,J.)

Digitally signed by :-
BRIJESH KUMAR
High Court of Judicature at Allahabad