2026:AHC:207540

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 7117 of 2025

Akash Sharma

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Revisionist(s)	:	Kuldeep Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 84

HON'BLE LAKSHMI KANT SHUKLA, J.

1. Heard Mr. Rahul Jain, Advocate holding brief of Mr. Kuldeep Kumar, learned counsel appearing on behalf of revisionist, learned AGA appearing on behalf of State-opposite party no. 1 and perused the record.

2. Despite of sufficient service of notice neither opposite party no. 2 nor on her behalf anyone has appeared to oppose the present criminal revision.

3. Revisionist Akash Sharma has approached this Court challenging the impugned judgment and order dated 25.10.2026 Principal Judge, Family Court, Meerut wherein the trial court while allowing the interim maintenance application filed by opposite party no. 2 ordered the revisionist to pay Rs. 5,000/- per month as monthly maintenance.

4. Feeling aggrieved from that order the present criminal revision has been filed on the grounds that the impugned order is wholly illegal, improper, unjust and has been passed without applying the judicial mind and in view of above premise the prayer for allowing the criminal revision to set aside the impugned order has been made.

5. Learned counsel appearing on behalf of revisionist submitted that through rejoinder affidavit at page 73 of paper book, a

certificate issued by Durga Pharma disclosing that the revisionist is working at aforesaid shop as trainee from June, 2023 and Rs. 5,000/- per month are being paid to him. The same comments have been disclosed by the revisionist in his objection filed before the trial court but the trial court did not consider the same and passed the impugned order, ordering the revisionist to pay his entire earning to the opposite party no. 2. It is thus contended that in view of above, the amount of Rs. 5,000/- is highly disproportionate to the income of revisionist as to warrant interference by this Court.

6. Per contra learned AGA representing State-opposite party no. 2 vehemently opposed the present criminal revision and submitted that there is no dispute about the matrimonial relationship between revisionist and opposite party no. 2. Being husband of opposite party no. 2, the revisionist has pious duty to maintain his wife/opposite party no. 2. Maintenance means maintenance in dignified manner. In the prevailing cost of living the amount of Rs. 5,000/- is hardly sufficient to fulfill the basic needs of any person. The impugned order is an interim order, when such order is passed the trial court has to see only the relationship between the parties which is the ground of seeking maintenance, no deep appreciation of evidence regarding income or reasons for separate living is warranted at this stage. It is thus contended that in view of above, the present criminal revision is liable to be dismissed having being devoid of merit.

7. Having heard the rival submissions and perusal of record, even if the court consider that the actual income of revisionist is only Rs. 5,000/- per month but considering the income of an unskilled labour even at the rate of minimum wages prescribed by State is much higher than the income disclosed by the revisionist.

8. Being husband the revisionist has a pious duty to maintain his wife in a dignified manner and he cannot escape from his

aforesaid duty only on the basis of disclosing of his least earning. In view of above, we do not find any good ground to interfere with the impugned order, the amount of maintenance cannot assessed to be excessive so as to warrant interference by this Court.

9. In view of above, the present criminal revision is devoid of merit and is accordingly, **dismissed**.

(Lakshmi Kant Shukla,J.)

October 5, 2026
Arti

Digitally signed by :-
ARTI SHARMA
High Court of Judicature at Allahabad