2026:AHC:212880

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION DEFECTIVE No. - 1979 of 2026

Shivmani Prajapati

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Revisionist(s)	:	Ankit Kapoor
Counsel for Opposite Party(s)	:	G.A.

Court No. - 83

HON'BLE PRAVEEN KUMAR GIRI, J.

C.M. Delay Condonation Application No.01 of 2026

1. The instant delay condonation application has been filed seeking condonation of delay in filing this revision, which is beyond time by 104 days.

2. The reasons shown in the accompanying affidavit is found sufficient and to the satisfaction of this Court.

3. The delay condonation application is **allowed.** Consequently, the delay in filing the revision is condoned.

Order on revision

4. Heard Sri Ankit Kapoor, learned counsel for the revisionist and Sri Suneel Kumar, learned A.G.A. for the State.

5. Learned counsel for the revisionist submits that the instant criminal revision has been preferred with the relief which has been mentioned in the prayer clause. The relief mentioned in the prayer clause of the revision is delineated below:-

> *"It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to quash the order dated 16.03.2026 passed by Principal Judge, Family Court, District Varanasi passed in Case No. 293 of 2023 (Sharda Versus Shivemani) Under Section 125 Cr.P.C."*

6. Learned counsel for the revisionist submits that the Principal Judge, Family Court, Varanasi vide order dated 16.03.2026 directed the revisionist to pay Rs.5,000/- per month to his wife/opposite party no.2 and Rs.2000/- per month each to two minor children as an interim maintenance from the date of application i.e. 09.09.2024. He further submits that the amount of interim maintenance does not commensurate with the income of the revisionist. He further submits that yet no evidence has been adduced by the revisionist even then the amount of interim maintenance, to the tune of Rs.9,000/- per month to the wife and minor children has been granted by the trial court. He further submits that the revisionist is ready to pay the interim maintenance amount from the date of order and if opposite party no.2 succeeds in the pending application under Section 125 Cr.P.C./144 BNSS before the trial court, then maintenance may be granted from the date of application as per law laid down by the Hon'ble Supreme Court in the judgment of **Rajnesh vs. Neha and another, (2021) 2 Supreme Court Cases 324**. He further submits that he does not want to press this revision on merits and it may be disposed of giving direction to the concerned Family Court to finally adjudicate the application under Section 125 Cr.P.C./144 BNSS expeditiously. He further submits that in the interest of justice the arrears of the maintenance amount from the date of application i.e. 09.09.2024 may be kept in abeyance till the final disposal of the pending application under section 125 Cr.P.C./144 BNSS. He further undertakes that if this Court accepts the aforesaid request of the revisionist, the revisionist will clear all the dues/arrears of the maintenance amount from the date of the order i.e. 16.03.2026 and he will also pay the interim maintenance amount to his wife and minor children regularly on monthly basis.

7. In view of above facts and circumstances and in interest of justice, without issuing notice to opposite party no.2, the order dated 16.03.2026 is modified to the extent that the arrears of interim maintenance amount starting from the date of application i.e. 09.09.2024 upto 15.03.2026 shall remain stayed till the final decision of the pending application under Section 125 Cr.P.C./144 BNSS. However, the revisionist is directed to clear all the dues/arrears of maintenance amount from the date of the order i.e. 16.03.2026 and shall pay the maintenance amount to his wife

and minor children regularly on monthly basis.

8. In case, the revisionist fails to comply with any of the aforesaid directions, the Principal Judge, Family Court, Varanasi, will be at liberty to proceed for recovery of the arrears of maintenance amount from the revisionist in terms of order dated 16.03.2026 as per prevailing law. The Principal Judge, Family Court, Varanasi is directed to pass final order on the pending application under section 125 Cr.P.C./144 BNSS, preferably within a period of six months, providing opportunity of hearing to the parties, without granting any unnecessary adjournments, in the light of law laid down by the Hon'ble Supreme Court in the case of **Rajnesh vs. Neha and another, (2021) 2 Supreme Court Cases 324.**

9. With the aforesaid directions, this revision is **disposed of.**

(Praveen Kumar Giri,J.)

October 9, 2026
Manish Himwan

Digitally signed by :-
MANISH HIMWAN
High Court of Judicature at Allahabad