2026:AHC:208799

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 6220 of 2026

Nidhi

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Revisionist(s) : Akhand Pratap Tripathi, Deepanshu Sharma

Counsel for Opposite Party(s): G.A.

Court No. - 83

HON'BLE PRAVEEN KUMAR GIRI, J.

1. Heard Shri Akhand Pratap Singh, learned counsel for the revisionist, and learned A.G.A. for the State.

2. Learned counsel for the revisionist submits that the present criminal revision has been filed seeking relief as mentioned in the prayer clause. The prayer clause is delineated below:-

> *".A. Modify/set aside the impugned order dated 30.06.2026 passed by the Learned Additional Judge (Family Court No. – 5), Ghaziabad in Criminal Case No. 812/2024 (Nidhi vs. Mahipal Bhati) U/s 144 of BNSS, 2023;*
>
> *B. Recalculate and redetermine the quantum of interim maintenance strictly in accordance with law and the binding principles laid down in Rajnesh v. Neha & Anr.after taking into account the additional undisclosed bank accounts, agricultural land holdings, and total gross income disclosed in the Income Tax Returns and revenue records of Opposite Party No. 2 and Enhance the interim maintenance to Rs. 60,000/- per month from the date of filing of the Interim Application;*
>
> *C. Set aside the erroneous finding recorded in the impugned order that interim maintenance stands granted in favour of 'two minor children of the parties,' the same being contrary to record and a result of non-application of judicial mind, inasmuch as no child has*

been born out of the wedlock between the Revisionist and Opposite Party.

D. Pass such other further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case to meet with the ends of justice and fair play:"

3. Learned counsel for the revisionist submits that the revisionist has filed an application seeking maintenance from opposite party no. 2. It is further submitted that during the pendency of the maintenance proceedings, the revisionist also filed an application seeking interim maintenance. The said application has been decided by the impugned order dated 30.06.2026, whereby the trial court has awarded interim maintenance of Rs.7,000/- per month to the revisionist (wife) from the date of the order.

4. Learned counsel for the revisionist submits that, in view of the judgment of this Court in **Sonam Yadav Vs. State of U.P. and another**, **2025: AHC : 227887** the interim maintenance ought to have been granted from the date of the application. He, therefore, submits that the impugned order dated 30.06.2026 may be modified to that extent.

5. Learned A.G.A. has submitted that the amount of maintenance may be granted from the date of the application, as has been observed in paragraph 12 of the aforesaid judgment. He, however, submits that if the interim maintenance is directed to be paid from the date of the application, the revisionist would be entitled to the arrears of maintenance, including the balance amount. It is further submitted that the main maintenance proceedings are still pending and the parties are yet to adduce their evidence. Therefore, there is no illegality in the impugned order dated 30.06.2026 warranting interference by this Court at this stage.

6. I have considered the submissions made by learned counsel for the parties and perused the record.

7. Having regard to the facts and circumstances of the case, no interference with the impugned order dated 30.06.2026 is called for at this stage. However, in the interest of justice, the trial court is directed to make all endeavour to decide the main maintenance application

finally, preferably within a period of six months from the date of production of a certified copy of this order, after affording due opportunity of hearing to both the parties, without granting unnecessary adjournments to either side, in accordance with law, particularly the principles laid down by the Hon'ble Supreme Court in **Rajnesh Vs. Neha (2021) 2SCC 324 .**

8. With the aforesaid observation and direction, the present criminal revision stands disposed of.

October 6, 2026
Priyanka

(Praveen Kumar Giri,J.)

Digitally signed by :-
PRIYANKA KUSHWAHA
High Court of Judicature at Allahabad