



2026:AHC:180370

## HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 5313 of 2026

Smt Manisha

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite  
Party(s)

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Counsel for Revisionist(s) : Deepak Singh, Jitendra Singh  
Counsel for Opposite Party(s) : G.A.

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**Court No. - 86**

**HON'BLE PRAVEEN KUMAR GIRI, J.**

1. Mr. Jitendra Singh, learned counsel for the revisionist submits that he has preferred the instant criminal revision with the relief which has been mentioned in the prayer clause of the revision.
2. The relief which has been mentioned in the prayer clause is delineated below:-

*"It is, therefore, Most Respectfully Prayed that this Hon'ble Court may graciously be pleased to allow this criminal Revision and enhance the interim maintenance amount of Rs.25,000/- per month to the revisionist in place of Rs.8,000/- , otherwise, the Revisionist shall suffer irreparable loss and injury."*

3. Learned counsel for the revisionist submits that by order dated 28.07.2026, the trial court has granted interim maintenance of only Rs.8,000/- per month to the wife and no amount has been granted towards expenses of proceedings. He further submits that opposite party No.2-husband, is working in the Indian Army and is getting a salary to the tune of Rs.78,581/- per month. He further submits that Hon'ble Supreme Court in the judgment of **Kalyan Dey Chowdhury v. Rita Dey Chowdhury Nee Nandy; (2017) 14 SCC 200**, has

observed that 25% of the husband's salary would be just and proper towards maintenance.

4. Learned counsel for the revisionist further submits that the interim maintenance granted is not commensurate with the source of income of the husband, as well as the law laid down by the Hon'ble Supreme Court in **Kalyan Dey Chowdhury (supra)**, therefore, the order dated 28.07.2026 may be either set aside or modified.

5. Learned learned counsel for the State, Shri Jaikishan Chaurasia, assisted the Court and submits that evidence has yet to be adduced by the parties in the matter, therefore, the trial court may be directed to comply with the law laid down by the Hon'ble Supreme Court, while finally adjudicating the matter.

6. Having considered the submissions advanced by learned counsel for the parties and on perusal of the record, it transpires that vide impugned order dated 28.07.2026, the learned Principal Judge, Family Court, Meerut has directed the revisionist to pay interim maintenance of Rs.8,000/- per month to O.P. No.2 (wife) from the date of application and the application filed under Section 125 Cr.P.C./144 B.N.S.S. is yet pending.

7. In view of the aforesaid facts and circumstances of the case, this Court does not find any illegality or infirmity in the impugned order, therefore, at this stage, there is no need to interfere with the impugned interim maintenance order dated 28.07.2026. It is also evident that only an interim maintenance order has been passed in the matter and the parties have yet to adduce their evidence in support of their respective cases before the trial court, thereafter the application filed under Section 125 Cr.P.C./144 B.N.S.S. would be finally adjudicated.

8. The concerned Family Court is directed to decide the pending application filed under Section 125 Cr.P.C./144

B.N.S.S. independently, in accordance with law and on the basis of the evidence on record, without being influenced by any observation made in this order, preferably within a period of six months, after providing an opportunity of hearing to both the parties and without granting any unnecessary adjournment.

9. With the above observations, the revision is disposed of.

**August 31, 2026**

K.Tiwari

**(Praveen Kumar Giri,J.)**