



2026:AHC:181338

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 8470 of 2025

Smt. Pooja Saraswat

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

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

Court No. - 87

HON'BLE LAKSHMI KANT SHUKLA, J.

1. Heard Mr. Rajesh Kumar Gautam, learned counsel for the revisionist, learned A.G.A. representing the State and perused the material available on record. Despite sufficient service of notice upon opposite party no. 2, neither opposite party no. 2 nor anyone on his behalf is present to oppose the present Criminal Revision.

2. Revisionist Smt. Pooja Saraswat approached this Court assailing the impugned judgement and order dated 17.10.2025 passed by the learned Additional Principal Judge, Family Court No. 2, Agra (hereinafter referred to as 'the Trial Court'), in Case No. 1347 of 2021, Smt. Pooja Saraswat v. Bhupendra, Police Station Etmaddaula, District Agra, whereby the Trial Court directed the revisionist to pay maintenance amount of Rs. 2000/- per month to opposite party no. 2 from the date of application, i.e. 23.09.2021 upto the date of the impugned judgement and order i.e. 17.10.2025.

3. Feeling aggrieved from the aforesaid order, the instant Criminal Revision has been filed on the ground that the Trial Court passed the impugned order in a cursory manner causing manifest error of law, without due application of judicial mind. The impugned order is based on surmises and conjecture and has been passed without considering the material available on record. In view of the aforesaid premise learned counsel for the revisionist prayed that the instant Criminal Revision is liable to be allowed and the impugned judgement & order is liable to be

set aside by this Court exercising its revisional jurisdiction.

4. It is submitted by the learned counsel for the revisionist that he has not challenged the findings of the Trial Court regarding the points for determination nos. 1,2&3. He has challenged only to the meagerness of the amount of the maintenance and its applicability. Learned counsel for the revisionist further submitted that opposite party no. 2 himself admitted that he is employed in a Security Company and earns Rs. 8,000/- per month, however, no reliable evidence in this regard has been produced by opposite party no. 2, except his oral statement. It is submitted that looking to the current prevailing cost of living the amount of Rs. 2000/- per month is too meager to maintain a woman in a dignified manner. It is contended that the Trial Court confined the liability of opposite party no. 2 up to the date of judgement but ignored the fact that after date of judgment how the revisionist will maintain herself. In view of the aforesaid premises, it is thus contended that the impugned order is not sustainable in the eyes of law and, therefore, warrants interference by this Court. The present Criminal Revision is liable to be allowed.

5. Per contra, learned A.G.A. representing the State vehemently opposed the revision but could not dislodge the aforesaid submissions urged by the learned counsel for the revisionist.

6. Having heard the rival submissions advanced by the learned counsel for parties and perusal of record, it is apparent that the Trial Court failed to consider the future needs of the revisionist and the amount of Rs. 2000/- per month is too meager to maintain a woman in view of the prevailing cost of living.

7. In view of aforesaid reasons, we find that the Trial Court has not duly exercised its judicial mind by passing the impugned order and therefore, it is not sustainable in the eyes of law. The present Criminal Revision succeeds and deserves to be allowed.

8. Accordingly, the present Criminal Revision is **allowed**. The impugned judgment and order dated 17.10.2025 passed by the Additional Principal Judge, Family Court No.2, Agra is hereby **set aside**.

9. The matter is remitted to the Trial Court for adjudication afresh. The Trial Court is directed to conclude the proceedings within two months from the date of production of a certified copy of this order, after giving proper opportunity of hearing to both parties, considering the observations made hereinabove and in accordance with law.

(Lakshmi Kant Shukla,J.)

August 31, 2026
Brijesh Maurya