



2026:AHC-LKO:21851

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL REVISION DEFECTIVE No. - 485 of 2024

Vidhyadhar Verma

.....Revisionist(s)

Versus

State Of U.P. Thru. Prin. Secy. Deptt. Of Home
Lko. And 2 Others

.....Opposite
Party(s)

Counsel for Revisionist(s) : Deepak Kumar Pandey, Arpit Verma,
Tarun Singh
Counsel for Opposite Party(s) : G.A., Shiv Kumar

Court No. - 27

HON'BLE RAM MANOHAR NARAYAN MISHRA, J.

1. Heard learned counsel for the revisionist, learned A.G.A. for the State, learned counsel appearing for the respondent/ opposite party no.2 and perused the record.
2. Instant criminal revision under Section 19(4) of the Family Courts Act, 1984 has been preferred against the ex-parte judgment and order dated 06.01.2023 passed by learned Additional Principal Judge 4, Family Court, Lucknow in Crl. Misc. Case No.531 of 2013 "Smt. Tara Verma and another versus Vidhyadhar Verma".
3. As per the report of the Stamp Reporting Section, the revision is delayed by 591 days for which the application for condonation of delay has been filed.
4. Learned counsel for the revisionist submitted that the opposite party no.2 procured an ex-parte judgment and order against him, claiming herself as the wife of the revisionist, whereas, in fact, she is not the wife of the revisionist. She was married to one Dinesh Maurya S/o Prabhu Nath Maurya, resident of village Bara, Post Indira, P.S. Kopaganj, District Mau. She is the daughter of the revisionist's father's aunt; therefore, the opposite party no.2/ Tara Verma, happens to be the bua (aunt) of the revisionist and first cousin of father of the revisionist and their marriage could not be solemnized in the usual course.

5. He next submitted that the revisionist had married Usha Maurya D/o Moti Chandra Maurya on 24.05.2001 and since their marriage, he has been living with his wife, Usha Maurya. All the allegations made in the application for maintenance are false and concocted. The learned court below has failed to appreciate the fact that when the opposite party no.2 was never married to the revisionist, how could she claim maintenance for herself and her minor daughter under Section 125 Cr.P.C.?

6. Regarding the delay, learned counsel for the revisionist submitted that the delay has been explained in the affidavit filed in support of the application for condonation of delay, as the revisionist was not aware of the impugned ex-parte judgment and order and due to lack of knowledge, the revisionist could not file the revision within time and the same is liable to be condoned.

7. Per contra, learned A.G.A. and learned counsel for the opposite party no.2 pressed the objections filed for the opposite party no.2, which is supported with the affidavit of the opposite party no.2, Tara Verma.

8. He next submitted that the revisionist has concealed this fact that after the passing of the ex-parte judgment and order, he had filed an application for setting aside the said judgment under Section 126(2) Cr.P.C. alongwith an application for condonation of delay before the learned court below. Upon which, the opposite party no.2 had filed her objection and after considering the application and objection filed by the opposite party no.2, the learned court below dismissed the application for condonation of delay, coupled with the application under Section 126(2) Cr.P.C. vide order dated 04.09.2024. But this entire fact finds no mention either in the application for condonation of delay or the affidavit filed in support thereof.

9. I find forthwith the submissions of learned counsel for the parties and on one hand, the revisionist has stated in his affidavit that he was not aware of the ex-parte judgment and order and when he got to know the same, he had filed the present revision before this Court alongwith the application for condonation of delay, whereas on the other hand, he had

filed an application for setting aside the said ex-parte judgment and order before the court below under Section 126(2) Cr.P.C. alongwith an application for condonation of delay and the learned court below has dismissed the application for condonation of delay, coupled with the said restoration application by order dated 04.09.2024. Thus, the grounds taken in the affidavit accompanying the application for condonation of delay are insufficient and not believable. The application is also liable to be dismissed on the ground of concealment of material facts therein.

10. Consequently, the application for condonation of delay is **dismissed** and the criminal revision also stands **dismissed** on that ground.

11. However, the revisionist is at liberty to move an application for alteration in allowance of maintenance under Section 125 Cr.P.C. on appropriate grounds.

(Ram Manohar Narayan Mishra,J.)

March 26, 2026

Mohd. Sharif