



2026:AHC:55966

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 2318 of 2025

Nitin Bansal

.....Revisionist(s)

Versus

State Of U.P. And 2 Others

.....Opposite
Party(s)

Counsel for Revisionist(s) : Akhilesh Kumar Tiwari, Balram Singh,
Shiv Kumar Singh

Counsel for Opposite Party(s) : G.A., Mohd Faiz

Court No. - 85

HON'BLE MADAN PAL SINGH, J.

1. Heard Sri Shiv Kumar Singh, learned counsel for the revisionist, Sri Mohd Faiz, learned counsel for the opposite party no. 2 and learned AGA for the State and perused the record.

2. This criminal revision has been filed by the revisionist with prayer to set aside the order dated 12.03.2025 passed by the Additional Principal Judge, Family Court, Meerut in Maintenance Case No. 1070 of 2019 (Smt. Nidhi Bansal & Anr. Vs. Nitin Bansal), under Section 125 Cr.P.C. whereby the revisionist has been directed to pay maintenance amount of Rs. 6000/- per month to the opposite party no. 2 (wife) and Rs. 4000/- to the opposite party no.3 (minor daughter) from the date of application.

3. Learned counsel for the revisionist submits that he was previously employed as an accountant in a factory, but due to the litigation pending against him, he has been expelled from his job. At present, he has no regular source of income. It is further submitted that he had invested money in the share market, and the entire investment has been lost. Hence, the amount of maintenance awarded by the court below is excessive, exorbitant, and not commensurate with the income of the revisionist. Learned counsel for the revisionist further submits that opposite party no. 2 is an educated lady and is engaged in stitching and embroidery work, from which she earns a sufficient income and is capable of maintaining herself and her daughter.

4. Learned counsel for the opposite party no. 2 as well as learned A.G.A. opposed the prayer as aforesaid and contended that considering the current inflation, the amount of maintenance of Rs. 10,000/- in total cannot be said to be excessive and beyond his capacity

5. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties as well as perusal of record and order passed by learned trial court, it is admitted fact that the opposite party no. 2 is legally wedded wife of the revisionist and opposite party no.3 is his minor daughter. So far as the separate living of opposite party no. 2 is concerned, the trial court has recorded its categorically finding that the opposite party no.2 is living separately due neglect on the part of the revisionist. There is nothing on record to show the income of opposite party no.2, therefore, she is unable to maintain herself and her daughter. The findings recorded by the trial court are findings of fact and this Court being a revisional court, may not re-appreciate the evidence to return its own finding unless the finding recorded by the court is perverse and against the facts and law.

6. So far as the income of revisionist is concerned, revisionist was employed on the post of accountant in the factory but due to entangle in several cases between the parties, he has lost his job and now he is unemployed. Except there is nothing on record to show the income of the revisionist.

7. Since the revisionist has not claimed any physical deformity, this Court presumes that the revisionist/husband is an able-bodied person and therefore, he cannot shirk from his pious liability to maintain his wife. In the cases of **Rajnesh Versus Neha and Another (2021) 2 SCC 324**; **Kalyan Dey Chowdhury vs. Rita Dey Chowdhury Nee Nandy AIR 2017 SC 2383** and **Kulbhushan Kumar Vs. Raj Kumari (1970) 3 SCC 129**. In **Rajnesh v. Neha, (2021) 2 SCC 324** and **Kulbhushan Kumar (Dr) v. Raj Kumari, (1970) 3 SCC 129**, the Hon'ble Supreme Court has observed that the maintenance allowances must be reasonable and realistic, and avoid either of the two extremes i.e. maintenance awarded to the wife should neither be so extravagant which becomes oppressive and unbearable for the respondent, nor should it be so meagre that it drives the wife to penury.

8. In facts and circumstances of the case, even if the revisionist is assumed as a skilled labourer, he can earn Rs.1000/- per day, which comes to Rs 30,000/- per month and keeping in view of the law laid down by the Apex Court in the case of **Rajnesh Versus Neha**, the Hon'ble Supreme Court has observed that the maintenance allowances can be granted to the extent of 25% of the net income of the husband which comes Rs. 7,500/-.

9. Thus, in view of the above, the Court is of the opinion that the maintenance amount awarded by the trial court to the tune of Rs. 10,000/- in total by the trial court is not commensurated with the income of the revisionist. It is true that it is the legal obligation of the husband to maintain

his wife but the amount of maintenance should be commensurate with the income of the husband. Hence the maintenance awarded by the court below seems to be excessive and deserves to be modified, hence it is reduced to Rs. 7500/- from Rs. 10000/- per month in total. Out of which Rs. 5000/- per month to the opposite party no. 2 and Rs. 2500/- per month to the opposite party no. 3 payable from the date of application.

10. Accordingly, the present criminal revision is **partly allowed**.

March 18, 2026

Akbar

(Madan Pal Singh,J.)