



2025:AHC:224297

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 5182 of 2025

Modh. Asif

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Revisionist(s)	: Sanjay Singh
Counsel for Opposite Party(s)	: G.A., Saquib Mukhtar, Yawar Mukhtar

Court No. - 90

HON'BLE HARVIR SINGH, J.

1. Heard learned counsel for the revisionist, learned A.G.A. for the State, learned counsel for the opposite party no. 2 and perused the material on record.

2. The instant revision has been filed against the order dated 6.6.2025, by which a sum of Rs. 20,000/- has been awarded as monthly maintenance to the opposite party no. 2, by the said order dated 6.6.2025, the learned Additional Principal Judge, Family Court, Court No. 1, Aligarh, while going on facts and record awarded the said amount of interim maintenance.

3. It is the contention of learned counsel for the revisionist that the revisionist is an average worker he is working in hardware shop at Bengaluru and therefore, his income is not to the extent that he is capable of paying a sum of Rs. 20,000/- per month. The amount of maintenance, so awarded is exorbitant, arbitrary and excessive, on the higher side and beyond the reach of financial resources of the revisionist.

4. Learned counsel for the revisionist has submitted that the learned Additional Principal Judge, Family Court, Court No. 1, Aligarh, while passing the order, has ignored the fact that annual income of the revisionist is about Rs. 83,000/-, as per certificate issued by the Tehsildar dated 9.11.2018, which is valid for five years. Learned counsel for the revisionist has further submitted

that the learned Additional Principal Judge, Family Court, Court No. 1, Aligarh has ignored the facts, evidence on record particularly the income of the revisionist. Learned counsel for the revisionist has next submitted that initially the learned Additional Principal Judge, Family Court, Court No. 1, Aligarh has awarded a sum of Rs. 2,000/- as interim maintenance, but the same has been finally enhanced to Rs. 20,000/- which is not only excessive but against the facts and evidence on record.

5. Per contra, learned counsel appearing on behalf of the opposite party no. 2 has submitted that the revisionist got remarried with some other lady namely Saheen, the fact has come in the order dated 6.6.2025. Learned counsel for the opposite party no. 2 has further submitted that, as far as the said hardware shop is concerned, the shop is in the name of father of the revisionist and he is Goods and Service Tax assessee, the firm is registered under G.S.T. and is being run by the father and son together. Learned counsel for the opposite party no. 2 has next submitted that, if the revisionist is capable of taking care of second wife, then cannot ignore the first. The opposite party no. 2 i.e. first wife of the revisionist is an unemployed lady and has no source of income and is dependent upon the financial resources of her parents. Learned counsel for the opposite party no. 2 has further submitted that the said certificate issued, based on the total income, dated 9.11.2018 pertains to the year 2018 and has been issued by the Tehsildar, without looking into the facts, that the revisionist and his father are having hardware shop and also denotes the fact that they are income tax assessee and also registered as G.S.T. proprietor. Learned counsel for the opposite party no. 2 has next submitted that the order passed by the learned Additional Principal Judge, Family Court, Court No. 1, Aligarh is in accordance with law and calls for no interference by this Court.

6. Having considered the rival submissions and upon perusal of the order dated 06.06.2025, it is evident that the revisionist is running a hardware shop inherited from his father and is an income-tax assessee. Moreover, the said firm is duly registered with the Goods and Services Tax Department. The revisionist is, therefore, financially capable of maintaining the second wife.

Such capacity, however, cannot be a ground to ignore the claim of the first wife, who is living separately and is wholly dependent upon her parents for financial support. In view of the law laid down by the Hon'ble Apex Court in ***Shamima Farooqui v. Shahid Khan, reported in AIR 2015 SC 2025***, the obligation to maintain the legally wedded wife cannot be defeated merely on such considerations.

7. Under these circumstances, no good ground is available to the revisionist, in the present revision and the same is liable to be dismissed.

8. Hence, the present revision is accordingly ***dismissed***.

December 8, 2025
Vikram

(Harvir Singh,J.)