



2026:AHC:141825

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 6458 of 2025

Roji Bano And Another

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Revisionist(s) : Akhilesh Kumar Vishwakarma, Anil
Kumar Singh, Ranjeet Singh

Counsel for Opposite Party(s) : Ehtesham Khan, G.A.

A.F.R.

Court No. - 87

HON'BLE LAKSHMI KANT SHUKLA, J.

1. Heard Mr. Vaibhav Mishra, Advocate holding brief of Mr. Anil Kumar Singh, learned counsel for the revisionist, Mr. Kanhaiya Mishra, Advocate holding brief of Mr. Ehtesham Khan, learned counsel for opposite party no. 2, learned A.G.A. representing the State and perused the material available on record.

2. Revisionist Smt. Raji Bano and another have approached this Court by means of present Criminal Revision challenging the impugned order dated 26.08.2025 passed by the Additional Principal Judge, Family Court-05, Prayagraj (hereinafter referred to as "the Trial Court") in Maintenance Case No. 815 of 2023, Roji Bano v. Akib alias Prince, under Section 125 Cr.P.C., District Prayagraj, whereby the Trial Court granted interim maintenance of Rs. 3000/- per month to the minor daughter of the parties (revisionist no. 2) and rejected the claim of revisionist no. 1.

3. Feeling aggrieved from the aforesaid order, the present revision has been filed on the ground that the impugned order is arbitrary, illegal and suffers from material irregularity. It is further submitted by the learned counsel for the revisionists that the Trial Court has erred in law while passing the impugned order by fixing a meager amount of maintenance of Rs. 3000/- per month to the minor daughter of the parties and by rejecting the claim of interim maintenance to revisionist no. 1. It is submitted that the maintenance

granted by the Trial Court is very meager and grossly insufficient looking to the expenses of revisionist no. 2. Revisionist no. 1 has also no means of income to maintain herself but the Trial Court wrongly considered that she is able to maintain herself. It is further submitted that though in the year 2022 the revisionist no. 1 was working in B.S.N. Infrastructure on contract basis but she worked there only for three months. Thereafter, due to pressure made by opposite party no. 2 to quit the job, she resigned from her job. However, the Trial Court did not consider this fact and passed an illegal order. It is, thus, contended that the impugned order, so far as it relates to rejection of the claim for maintenance qua the revisionist no. 1, is not sustainable in the eye of law and is liable to be set aside by this Court.

7. *Per contra*, learned A.G.A. as well as learned counsel appearing on behalf of opposite party no. 2 vehemently opposed the revision and submitted that the Trial Court has rightly passed the impugned order after considering all the relevant material available on record. It is submitted that the salary slip of revisionist no.1 shows that she gets monthly salary of Rs. 14,125/-. It is also submitted that in the affidavit filed by the revisionist, in compliance with the direction of the Supreme Court in **Rajnesh v. Neha and another, (2021) 2 SCC 324** she did not fill the column of occupation and income and left it blank. There is no documentary evidence on record to show that revisionist no. 1 has resigned from her job. In view of aforesaid, it is thus contended that the Trial Court has rightly rejected the claim for interim maintenance of revisionist no. 1.

8. So far as enhancement of the amount of maintenance qua revisionist no. 2 is concerned, it is submitted by learned counsel for opposite parties that revisionist no. 2 was living with opposite party no. 2 and he was maintaining her. But the revisionist no. 1 filed a habeas corpus petition claiming the custody of revisionist no. 2 asserting that she is capable to maintain herself as well as her minor daughter, revisionist no. 2. Considering this fact, the Court directed the opposite party no. 2 to handover the custody of revisionist no. 2 to revisionist no. 1. It is submitted on this count that it is the admission of revisionist no. 1 herself that she is capable to maintain herself and her minor daughter. It is thus contended that the Trial Court considered all these facts and rightly fixed the amount of interim maintenance as Rs. 3000/- per month to revisionist no. 2. It is, therefore, submitted that the impugned order

does not warrant interference of this Court and the Criminal Revision is liable to be dismissed.

9. When confronted with above, learned counsel for the revisionists could not overcome the submissions advanced by the learned counsel for opposite party no. 2 and the learned A.G.A.

10. In the present case, the revisionist no. 1 (mother of revisionist no. 2) had herself obtained custody of the minor son on the specific assertion that she was financially capable of maintaining and taking proper care of her minor daughter. The court below has also recorded a finding that she is capable of maintaining herself and, accordingly, declined to award any interim maintenance to her, while awarding Rs.3,000/- per month to the minor daughter.

11. In view of the principles laid down by the Supreme Court in paragraphs 91 and 92 of **Rajnesh** (*supra*) although the reasonable expenses of the minor child, including those relating to food, clothing, residence, medical care and education, are required to be adequately provided for and the educational expenses are ordinarily to be borne by the father, where the mother is also working and earning sufficiently, such expenses may be shared proportionately between both parents. Thus, the revisionist no. 1, having asserted her financial capacity and obtained custody of the child on that basis, cannot seek to fasten the entire financial burden of the minor exclusively upon the father (opposite party no. 2). In the absence of any cogent material showing a substantial increase in the actual and reasonable expenses of the minor daughter, any material enhancement in the income of the father, or any subsequent deterioration in the financial condition of the revisionist, no sufficient ground is made out either to grant interim maintenance to the revisionist no. 1 in her individual capacity or to enhance the maintenance already awarded to the revisionist no. 2, parties' minor daughter.

12. In view of the discussions made hereinabove, we are of the opinion that the submissions urged by the learned A.G.A. as well as the learned counsel appearing on behalf of opposite party no. 2 are clearly borne out from the record. The Trial Court after considering all the relevant materials, passed a reasoned order. There is no good ground to interfere with the impugned

order. The present Criminal Revision is devoid of merit and is liable to be dismissed.

13. It is, accordingly, **dismissed**.

(**Lakshmi Kant Shukla,J.**)

July 14, 2026
Brijesh Maurya

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