



2026:AHC:11762

HIGH COURT OF JUDICATURE AT ALLAHABAD

Criminal Revision No.4929 of 2024

Shyam Mohan

.....Revisionist(s)

Versus

State of U.P. and another

.....Opposite Party(s)

Counsel for Petitioners(s) : Anil Kumar Dubey
Counsel for Respondent(s) : G.A.

Last heard on December 5, 2025
Pronounced on January 19, 2026

In Chambers

HON'BLE GARIMA PRASHAD, J.

1. The present criminal revision has been filed against the order dated 12.08.2024 passed by the Additional Principal Judge, Family Court, Pilibhit whereby an interim maintenance of Rs.3,500/- has been directed to be paid by the revisionist to the respondent No.2/wife.
2. Brief facts as alleged in the application for maintenance filed under Section 125 Cr.P.C. by the respondent wife is that the revisionist and the respondent wife got married on 14.06.2020 as per the Hindu rites and rituals. It is alleged that due to demands of dowry, she was forced out of her matrimonial home and is living with her parents from 14.03.2022. Since that date, it is alleged that no maintenance has been given by the revisionist to her. Accordingly, she has sought maintenance of Rs.15,000/- per month towards her studies as well as daily expenses including medical expenses. She has further sought Rs.2,000/- per month towards litigation expenses.

3. The respondent wife has filed her affidavit regarding income, assets and educational qualification. Later, she has also disclosed that she is unemployed. As per the respondent wife, the revisionist owns 75 Bighas of agricultural land, undertakes farming on lease and runs coaching classes for competitive examinations from which he earns approximately Rs.40,000/- per month. It is not disputed that the revisionist has failed to file an affidavit disclosing his income and assets. In view thereof, learned Additional Judge has drawn inference against the revisionist for concealing his income and assets and has thereby directed him to pay Rs.3,500/- as interim maintenance to the respondent wife.

4. Learned counsel for the revisionist has submitted that the revisionist has no source of income and that he does not run coaching classes nor he has any piece of agricultural land in his name in the revenue record. He has further submitted that the respondent wife is a well educated lady and is able to earn her livelihood and thus the impugned order is wholly illegal, arbitrary, bad in law and is liable to be set aside. He relied upon a marksheets of the respondent wife to show that respondent wife had completed M.A. in the year 2011. He has also placed reliance upon the marksheets to show that the respondent wife has further completed her L.L.B. in the year 2024.

5. Heard learned counsel for the parties and perused the record.

6. The revisionist has challenged the impugned order wherein an interim maintenance has been directed to be paid by him. It is settled law that the courts can draw adverse inference against a husband, who despite giving ample opportunities fails to file an affidavit disclosing his income and assets in an interim maintenance plea as per Order XIX Rule 3 of the Code of Civil Procedure, 1908 and Section 106 of Indian Evidence Act, 1872/Section 109 of the Bhartiya Sakshya Adhiniyam, 2023. The Family Courts' reliance on the affidavit of disclosure of assets and liabilities ensures a fair and informed assessment of interim maintenance, preventing potential concealment of income and financial

misrepresentation. Moreover, the decision of learned Additional Judge on the aspect of quantum of interim maintenance is based on the entitlement of the respondent wife and it cannot be based upon exact arithmetical calculation at such stage. It is noted that the respondent wife had been studying and had completed her L.L.B. in 2024, therefore, her claim towards education expenses is *prima facie* made out. Revisionist has failed to prove that respondent wife had any source of income or she is engaged in any form of profitable employment.

7. In the light of these circumstances, there is no infirmity in the impugned order and the respondent wife has been rightly held to be entitled to adequate financial support which should be provided to ensure decent standard of living for herself. The amount of Rs.3,500/- that has been directed to be paid by the revisionist to the respondent wife cannot be said to be on the higher side and is rather just and proper in the facts and circumstances of the case.

8. Accordingly, the revision is dismissed.

9. It is made clear that the court concerned will not be influenced by the observations made by this Court in this order while adjudicating the matter finally on merits.

(Garima Prashad, J.)

19.01.2026

Kuldeep