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ALLAHABAD HIGH COURT
SURESH KUMAR GUPTA , J.

Criminal Revision No. 1042 of 1996 **D/- 17 - 12 - 2018**

Ikra muddin v. State of U.P. and Anr.

Criminal P.C. (2 of 1974), S.125 - Maintenance - Wife unable to maintain herself, as there is not any finding that she is living separately without any sufficient reason and she refused to live with her husband - Husband liable to provide maintenance to wife

(Para 4)

[N. L. Agrawal for Petitioner; Govt. Advocate for Respondent.](#)

Judgement

- 1. ORDER :-**This revision has been filed against the judgment and order dated 23.4.1996 passed by the Additional Principal Judge Family Court, Kanpur Nagar awarding a sum of Rs. 400/ per month in favour of the opposite party no. 2 and Rs. 250 in favour of her son Mohd. Jaid in case no. 316 of 1994 (Smt. Muffida Vs. Ikra Muddin) under Section 125 Cr.P.C.
2. I have heard learned counsel for the revisionist and learned A.G.A. as well as perused the record.
3. Brief facts of the case is that opposite party no. 2 has filed case in the court of Principal Judge, Family Court Kanpur Nagar for claiming maintenance from the revisionist and after hearing and perusing the material available on record, learned Additional Principal Judge, Family Court, Kanpur Nagar awarded Rs. 400/ per month to Smt. Muffida to maintain herself and Rs. 250/ per month as a maintenance to her son Mohd. Jaid. Being aggrieved by this order this revision has been filed by the revisionist on the ground that her wife without any sufficient reason has refused to live with him and, therefore, wife is not entitled for any maintenance. Second ground taken by the revisionist is that income of the revisionist is very low and he has only 1.5 bigah of land in his name in his possession and therefore, the opposite party no. 2 is not entitled for any maintenance and therefore, finding of the lower court is against the set principle of law.
4. On the perusing of the order dated 23.4.1996 it is clear cut finding of the learned Judge that wife of the revisionist is unable to maintain herself, as there is not any finding that opposite party is living separately without any sufficient reason and she refused to live with her husband. In view of the aforesaid facts and circumstances and on perusal of the record it transpires that the impugned order is perfectly legal and within jurisdiction, as order is based on the proper appraisal of the evidence available on record. Thus, there is no illegality or impropriety in the impugned order and, therefore, the revision is devoid of merits.
5. With the aforesaid observations, the revision is disposed of.

6. The interim order, if any, stands vacated.
7. A copy of this order be transmitted to court below for necessary compliance.