



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 428 of 2026

Neha

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Revisionist(s) : Kamendra Singh
Counsel for Opposite Party(s) : G.A.

Court No. - 87

HON'BLE PRAVEEN KUMAR GIRI, J.

1. Shri Kamendra Singh, learned counsel for the revisionist submits that he has filed the instant criminal revision with the relief which has been mentioned in the prayer clause of the revision.

2. The relief which has been mentioned in the revision is delineated below:-

"It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to set aside the impugned order dated 09.12.2025 passed by Additional Principal Judge, Family Court Ballia in Maintenance Case No. 684 of 2021 (Neha Vs. Jitendra Prasad) and allow the maintenance case of the revisionist to meet the ends of justice."

3. Learned counsel for the revisionist submits that the husband, opposite party No.2, is a Central Government employee (Indian Railway) and is getting a salary of Rs.46,000/- salary per month. He further submits that a plea has been taken by opposite party No.2 that the applicant-wife is working as a Shiksha Mitra and, therefore, she is not entitled to maintenance.

4. Learned counsel for the revisionist submits that Hon'ble Supreme Court in a catena of judgments has laid down that the wife shall be maintained as per the status of the husband even if she is earning. He further submits that the amount of salary of the wife is meagre and not sufficient to maintain herself as per the status of the husband, therefore, the order

dated 09.12.2025 passed by Additional Principal Judge, Family Court Ballia refusing the maintenance to the wife is against the law laid down by Hon'ble Supreme Court.

5. Matter requires consideration.

6. Issue notice to opposite party No.2 for filing counter affidavit.

7. Counter affidavit shall be filed within a period of four weeks. Rejoinder affidavit may be filed within a period of two weeks thereafter.

8. List this case **as fresh on 06.05.2026.**

(Praveen Kumar Giri,J.)

March 25, 2026

K.Tiwari