



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION DEFECTIVE No. - 258 of 2026

Naushad

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Revisionist(s) : Kshama Singh, Yashwant Singh
Counsel for Opposite Party(s) : G.A.

Court No. - 87

HON'BLE PRAVEEN KUMAR GIRI, J.

1. Shri Yashwant 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 allow the present revision and quash the impugned ex parte order dated 11.07.2025 passed by Principal Judge, Family Court, Azamgarh in Maintenance Case No. 963/2022, Tarannum Vs. Naushad.

It is further prayed that this Hon'ble court may quash the order of the recovery warrant dated 03.12.2025 passed in execution case no. 1480/2025, Tarannum Vs. Naushad by Principal Judge Family Court Azamgarh.

It is further prayed that this Hon'ble court may please to stay the effect and operation of the ex parte order dated 11.07.2025 and 03.12.2025 passed by Principal Judge, Family Court, Azamgarh."

3. Learned counsel for the revisionist submits that the Principal Judge, Family Court, Azamgarh has passed an order of maintenance to the tune of Rs. 4000/- on 11.07.2025 to the wife under Section 125 Cr.P.C. from

the date of application. He further submits that now the arrear amount is more than Rs.1 lakh and the revisionist-husband has only deposited Rs.5,000/- till date.

4. Learned counsel for the revisionist submits that for execution of the maintenance order, the Principal Judge, Family Court has directed the Station House Officer to arrest the revisionist and he further submits that in case the maintenance amount is not deposited, the revisionist may be sent to civil prison for the period as fixed under law and thereafter, the property of the husband shall be attached and after auction of the property, the proceeds shall be deposited before the Principal Judge, Family Court, Azamgarh.

5. Learned counsel for the revisionist further submits that he is ready to deposit 50% of the arrear amount and shall pay regular monthly maintenance amount.

6. On the assurance of learned counsel for the revisionist, one month time is granted to make payment of 50% of the arrears and the rest of the amount shall be paid thereafter within one month. Regular monthly maintenance shall also be paid to the wife as directed by the Principal Judge, Family Court, Azamgarh.

7. In case of default in making payment within one month in respect of arrears and continuous regular maintenance, the Principal Judge, Family Court, Azamgarh is directed to recover the entire arrears amount along with 6% bank interest, treating that there is no stay order on the judgment/order passed under Section 125 Cr.P.C. The order shall also be executed as a money decree as directed by Hon'ble Supreme Court in the case of **Rajnish vs. Neha; (2021) 2 SCC 324**. The revisionist-husband shall be put to civil prison and thereafter the property of the husband shall be attached and auctioned and the proceeds shall be utilized to pay the arrears of maintenance along with 6% bank interest as well as regular monthly maintenance to the wife.

8. On the request of learned counsel for the revisionist, the case shall remain pending before this Court and shall not be treated as disposed of.

9. The Principal Judge, Family Court, Azamgarh as well as other Family Court Judges are directed to furnish details that in how many cases the orders granting maintenance have not yet been executed in totality.

10. In case of failure to inform this Court through Registrar (Compliance), the Court will treat that it is a lapse on the part of the Presiding Officers of the Family Courts. The details shall be provided within a period of one month.

11. List this case on **27.04.2026 as fresh** for further hearing.

12. In case the amount is not deposited by the revisionist, the Principal Judge, Family Court, Azamgarh shall immediately proceed in the matter as directed above.

13. Registrar (Compliance) is directed to communicate this order to all the Presiding Officers of the Family Courts in the State.

(Praveen Kumar Giri,J.)

March 25, 2026

K.Tiwari