



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 1962 of 2024

Subhash Khandelwal

.....Revisionist(s)

Versus

State Of Up And 3 Others

.....Opposite
Party(s)

Counsel for Revisionist(s)	: Ambleshwar Pandey, Anuj Srivastava, Devaang Savla
Counsel for Opposite Party(s)	: G.A., Pankaj Pandey

Court No. - 89

HON'BLE MADAN PAL SINGH, J.

1. This case is being taken up out of turn on the mention made by the learned counsel for the revisionist. Learned counsel for the revisionist, learned counsel for opposite party no.2 and the learned A.G.A. are present.

2. Learned counsel for the revisionist that the impugned order dated 15th February, 2024 passed by the Additional Principal Judge, Family Court No. 4, Ghaziabad in case no. 254 of 2016 (Rachana Vs. Subhash Khandelwal) under Section 125 Cr.P.C. allowing the interim application and awarding Rs. 5,000/- per month in favour of opposite party no.2 towards her medical treatment is per se illegal on account of fact that the trial court while passing the same has not considered the evidence adduced before the trial court regarding the earning of opposite party no.2. He further submits that the opposite party no.2 being qualified lady, as having degree of B.Com, earns handsome money for maintenance herself. In the affidavit filed before the trial court, she has shown her monthly income as Rs. 25,000/- per month. Beside the above, the opposite party no.2 is working as a Director in Indigo Electroplast India Limited Company. Learned counsel for the revisionist then submits that the opposite party no.2 has filed the instant application under Section 125 Cr.P.C. on 26th May, 2016 and when she came to know that she could not get any maintenance allowance from the revisionist on account of fact that she was working as Director, only for harassing the revisionist and obtaining maintenance from him, she has deliberately resigned from the said post of Director. Learned counsel for the revisionist has invited the attention of the Court to page no. 218 of the paper book from which it is clear that opposite party no.2 was having 50% share holding in Indigo Electroplast India Limited Company and same had also been sold by her.

3. In reply learned counsel for the opposite party no.2 submits that because of

sever ailment she had resigned from that post and presently she has no source of income to maintain herself. Apart from the above, brother of opposite party no.2 is paying the amount of her medical expenses. He further submits that the amount which has been received by her after selling her 50% share holding of the above company has also been incurred in her treatment.

4. For ascertaining the facts as to (i) what disease is she being treated for, (ii) how much amount has been spent on her treatment so far, and where is she being treated or was she being treated?, learned counsel for the opposite party no.2 prays for and is granted two weeks' time to file short counter affidavit.

5. List this case on 8th January, 2026.

6. Till the next date of listing, effect and operation of the impugned order dated 15th February, 2024 passed by the Additional Principal Judge, Family Court No. 4, Ghaziabad in case no. 254 of 2016 (Rachana Vs. Subhash Khandelwal) under Section 125 Cr.P.C. shall be kept in abeyance.

December 3, 2025
Sushil/-

(Madan Pal Singh,J.)