



2026:AHC:56634

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL REVISION No. - 2883 of 2024

Abhishek

.....Revisionist(s)

Versus

State Of U.P. And 2 Others

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Bipin Kumar, Jai Prakash
Counsel for Opposite Party(s)	:	G.A., Mohammad Zakir

Court No. - 86

HON'BLE HARVIR SINGH, J.

1. This Court, vide order dated 11.2.2021 has passed the following order :-

“1. List has been revised.

2. None appeared on behalf of parties to press this revision. However, learned A.G.A. for the State is present.

3. List this case as fresh on 19.03.2026.

4. It is made clear that, if either of the parties does not appear on the next date of listing, the revision shall be decided as per available record.”

2. When the matter was taken up for hearing today, none appeared on behalf of the parties to press this revision, as it was made clear that no further adjournment shall be granted on the next date of hearing.

3. Heard learned A.G.A. for the State and perused the record.

4. The instant revision has been filed against the order date 23.04.2024, passed by learned Additional Principal Judge, Family Court No. 2, Bulandshahar, by which a sum of Rs. 15,000/- has been awarded to opposite party No.2 and a sum of Rs. 6,000/- has been awarded to opposite party No.3 minor son of the revisionist and the opposite party no. 2.

5. The revisionist in the instant revision has taken a ground that, the revisionist though is a custom officer GST and he is a class-1 officer, but has other responsibilities as well and therefore, the amount of Rs. 21,000/- is on the higher side and disproportionate to the source of income i.e. the salary of the revisionist. The revisionist further stated that the opposite party No.2 is also post graduate and is capable of earning herself and the

fact of matrimonial dispute has not been disputed, as much as the case No. 226 of 2022 has also been filed/pending against the revisionist and the allegation of adultery has also been levelled against the opposite party No.2, but could not be proved in the absence of any credible evidence and prayed that order dated 23.04.2024 is liable to be set aside.

6. Per contra, learned AGA appearing on behalf of the State submitted that revisionist is an officer in revenue department i.e. custom and excise GST and was getting a salary of Rs.93,458/- in the month of January 2024 and submitted thereafter, there is a revision in the salary of the revisionist at the end of the year and also further on account of revision in the dearness allowance, which is being hiked in the month of January and July respectively. Learner AGA further submitted that the 8th Pay Commission has been recommended by the central government and as and when the recommendations are going to be accepted, the salary of the revisionist is likely to be revised substantially. He also submitted that award given by learner Additional Principal Judge, Family Court Pilibhit is based on the income of the revisionist at the relevant point of time and prays that no interference is called for in the instant revision.

7. Having considered rival contentions and the fact that the revisionist is an officer in the custom department, the department of revenue of central government and his salary was about Rs.93,458/-at the relevant point of time i.e., January 2024 and therefore, the assessment of the income of the revisionist is explicitly clear and therefore learned Additional Principal Judge, Family Court based on the law as held by Hon'ble Supreme Court in the case of **Kalyan Dey Chowdhury Vs. Rita Dey Chowdhury** reported in **AIR 2017 SC 2383**, has passed the said order of maintenance, which is in accordance of law and calls for no interference by this court, as such no illegality or infirmity has been found in the order dated 23.04.2024. The instant revision is liable to be dismissed and is accordingly **dismissed**.

8. However, it shall remain open to the opposite party No.2 to seek further revision in the amount of maintenance, as and when the recommendation of 8th Pay Commission are implemented in letter and spirits.

(Harvir Singh,J.)

March 19, 2026
Faridul