



2026:AHC:57198

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 3897 of 2024

Abhishek Sharma

.....Revisionist(s)

Versus

State Of U.P. And 2 Others

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Bhuvnesh Kumar Singh
Counsel for Opposite Party(s)	:	Bhupendra Singh, G.A.

Court No. - 86

HON'BLE HARVIR SINGH, J.

1. Heard learned counsel for the revisionist, learned counsel for the opposite party no. 2, learned A.G.A. for the State and perused the record.
2. The instant revision has been filed against the order dated 30.4.2024 passed by learned Principal Judge, Family Court, Etawah, by which a sum of Rs. 10,000/- has been awarded to opposite party no.1 and a sum of Rs. 5,000/- has been awarded to opposite party no. 2 as monthly maintenance.
3. Learned counsel for the revisionist has submitted that the sum of Rs. 15,000/- is excessive, arbitrary, and beyond the financial resources of the revisionist. He next submitted that the applicant is jobless and unemployed person. He further submitted that disputes arose between the husband and wife following the birth of a child in the family, as respondent No. 2 had given birth to a child merely two months after the marriage and the same was not liked or otherwise disliked by the family members. He also submitted, that the opposite party no. 2 on her own free will left her matrimonial home and therefore, she is not entitled for any relief whatsoever. He further submitted that the revisionist has made unreasonable demand by stating that, she is ready to live in the matrimonial home, whereas the reality is that she has already separated from the family. This demand is not valid in the eyes of the law. He further submitted that opposite party no. 2 is a qualified lady and is having a M.B.A. degree to her credit and therefore, is capable of taking care of herself and her child and therefore, no maintenance is required to be paid to the opposite party no. 2. He further submitted that the child

born of the said marriage is not the child of the revisionist, and prayed that the order passed by the learned Principal Judge, Family Court, Etawah, dated 30.04.2024, is liable to be quashed and set aside.

4. Per contra, learned counsel for opposite party Nos. 1 and 2 has submitted that the revisionist and opposite Party No. 1 were living in a 'live-in' relationship, and this relationship continued for some time and on being 'live-in' relationship for subsequent period, the opposite party No. 2 became pregnant, following which their marriage was solemnized and within two months of the marriage, opposite party No. 2 gave birth to a child. Opposite Party No. 2 has categorically stated that, the child born of the marriage belongs solely to the revisionist and to no one else, and the revisionist, also, has admitted that the child born of the marriage, belongs solely to him and to no one else. He further submitted that the revisionist and the opposite party no. 2 belong to different castes, and therefore, their belonging to different castes is one of the main reason and genesis of the dispute arose between the parties. Subsequent to the solemnization of their marriage, and this is the very reason, why the opposite party No. 2 was ousted from the home by the revisionist's family. As far as having a degree is concerned, merely holding a degree is not sufficient, it does not imply that any individual possessing a Master's degree in 'Business Administration' (MBA) automatically acquires a right or entitlement to employment and further submitted that at the relevant point of time, opposite party No. 2' was still pursuing her MBA studies.

5. Having considered the rival contentions and the fact that the genesis of the matrimonial discord arose from the fact that the family members came to know that opposite party no. 2 belongs to another caste and therefore, the opposite party no. 2 was ostracised from the family. So far as the birth of the child is concerned, the same has not been disputed is born from the wedlock, which has come on record before learned Principal Judge, Family Court, Etawah. As far as the employment of opposite party No. 2 is concerned, it has been stated that opposite party No. 2 was employed on the date the application was pending before the learned Family Court. So far as the income of the revisionist is concerned, there is no dispute, and the learned Family Court has assessed the revisionist's reasonable income, based on the evidence adduced during the hearing before the

learned Principal Judge, Family Court as held by the Hon'ble Supreme Court in the case of ***Kalyan Dey Chowdhury vs. Rita Dey Dhowdhury Nee Nandy*** passed in Civil Appeal No. 5369 of 2017 (Arising out of SLP (C) No. 34653 of 2016), decided on 19.04.2017.

6. The order under challenge suffers from no infirmity or illegality and calls for no interference by this Court. The revision lacks merits and is accordingly dismissed.

(Harvir Singh,J.)

March 18, 2026

Faridul