

Court No. - 87

Case :- CRIMINAL REVISION No. - 4000 of 2024

Revisionist :- Gyanendra

Opposite Party :- State Of U.P. And 4 Others

Counsel for Revisionist :- Mohammad Zakir

Counsel for Opposite Party :- G.A.

Hon'ble Manjive Shukla,J.

1. Heard learned counsel appearing for the revisionist and learned A.G.A. for the State.

2. It has been contended on behalf of the revisionist that he is a Rickshaw Driver and earns Rs. 10,000/- per month. It has further been contended that about 15 bighas of agricultural land is in his possession and thereby he is generating some income.

3. Learned counsel appearing for the revisionist has argued that if all the facts and circumstances are taken together, by no stretch of imagination, revisionist's monthly income could be assessed at a level that he may be able to pay Rs. 18000/- per month as maintenance to Opposite Parties No. 2 to 5.

4. I have considered the arguments advanced by the learned counsel appearing for the revisionist and prima-facie, I find that monthly income of the revisionist has not been assessed properly. I also find that the trial court, without making proper assessment of monthly income had directed for payment of Rs. 18000/- per month as maintenance to Opposite Parties No. 2 to 5 which appears to be excessive.

5. Matter requires consideration.

6. Issue notice to Opposite Parties No. 2 to 5.

7. Let counter affidavit be filed by Opposite Parties Nos. 2 to 5 within a period of four weeks.

7. List this matter **on 20.1.2025** in top ten cases.

8. Till the next date of listing, revisionist shall pay maintenance of Rs. 4000/- to Opposite Party No. 2 and maintenance of Rs. 2000/- each to Opposite Parties No. 3,4 & 5 under the impugned order dated 3.7.2024.

Order Date :- 2.12.2024

n.u.