



2026:AHC:90307

**HIGH COURT OF JUDICATURE AT ALLAHABAD
MATTERS UNDER ARTICLE 227 No.12198 of 2025**

.....Petitioners(s)

Versus

.....Respondents(s)

Counsel for Petitioners(s) : Anurag Shukla, Arun Kumar Soni,
Kumar Anubhav, Ms. Amrita Rai
Mishra
Counsel for Respondent(s) : Gyan Chandra, Mahendra Bahadur
Singh, Vijeta Singh

Court No. -37

AFR

HON'BLE VINOD DIWAKAR, J.

1. Heard Shri Arun Kumar Soni and Shri Kumar Anubhav, learned counsel for the petitioner; Ms. Amrita Rai Mishra, learned *Amicus Curiae*; Ms. Vijeta Singh, learned counsel for the respondent; learned A.G.A. for the State-respondent, and perused the record.

2. The present petition has been filed by the petitioner-husband with the prayer to expedite the proceedings of Maintenance Case No.523 of 2025, filed under Section 144 BNSS, 2023¹ (Order for maintenance of

1 Section 144. Order for maintenance of wives, children and parents.

(1) If any person having sufficient means neglects or refuses to maintain—

(a) his wife, unable to maintain herself; or

(b) his legitimate or illegitimate child, whether married or not, unable to maintain itself; or

(c) his legitimate or illegitimate child (not being a married daughter) who has attained majority, where such child is, by reason of any physical or mental abnormality or injury unable to maintain itself; or

(d) his father or mother, unable to maintain himself or herself,

a Magistrate of the first class may, upon proof of such neglect or refusal, order such person to make a monthly allowance for the maintenance of his wife or such child, father or mother, at such monthly rate as such Magistrate thinks fit and to pay the same to such person as the Magistrate may from time to time direct:

wives, children and parents) titled as '...', pending before the learned Principal Judge, Family Court, Etawah.

3. The brief facts arising out from the application under section 144 of BNSS, 2023 are succinctly reproduced hereinafter. The marriage of petitioner-husband and the respondent-wife was solemnized on 18.5.2019 in accordance with Hindu rites and customs at J.P. Garden, Pachavali Road, Etawah. At the time of marriage both the parties were unemployed and were preparing for competitive

Provided that the Magistrate may order the father of a female child referred to in clause (b) to make such allowance, until she attains her majority, if the Magistrate is satisfied that the husband of such female child, if married, is not possessed of sufficient means:

Provided further that the Magistrate may, during the pendency of the proceeding regarding monthly allowance for the maintenance under this sub-section, order such person to make a monthly allowance for the interim maintenance of his wife or such child, father or mother, and the expenses of such proceeding which the Magistrate considers reasonable, and to pay the same to such person as the Magistrate may from time to time direct:

Provided also that an application for the monthly allowance for the interim maintenance and expenses of proceeding under the second proviso shall, as far as possible, be disposed of within sixty days from the date of the service of notice of the application to such person.

Explanation.—For the purposes of this Chapter, "wife" includes a woman who has been divorced by, or has obtained a divorce from, her husband and has not remarried.

(2) Any such allowance for the maintenance or interim maintenance and expenses of proceeding shall be payable from the date of the order, or, if so ordered, from the date of the application for maintenance or interim maintenance and expenses of proceeding, as the case may be.

(3) If any person so ordered fails without sufficient cause to comply with the order, any such Magistrate may, for every breach of the order, issue a warrant for levying the amount due in the manner provided for levying fines, and may sentence such person, for the whole or any part of each month's allowance for the maintenance or the interim maintenance and expenses of proceeding, as the case may be, remaining unpaid after the execution of the warrant, to imprisonment for a term which may extend to one month or until payment if sooner made:

Provided that no warrant shall be issued for the recovery of any amount due under this section unless application be made to the Court to levy such amount within a period of one year from the date on which it became due:

Provided further that if such person offers to maintain his wife on condition of her living with him, and she refuses to live with him, such Magistrate may consider any grounds of refusal stated by her, and may make an order under this section notwithstanding such offer, if he is satisfied that there is just ground for so doing.

Explanation.—If a husband has contracted marriage with another woman or keeps a mistress, it shall be considered to be just ground for his wife's refusal to live with him.

(4) No wife shall be entitled to receive an allowance for the maintenance or the interim maintenance and expenses of proceeding, from her husband under this section if she is living in adultery, or if, without any sufficient reason, she refuses to live with her husband, or if they are living separately by mutual consent.

(5) On proof that any wife in whose favour an order has been made under this section is living in adultery, or that without sufficient reason she refuses to live with her husband, or that they are living separately by mutual consent, the Magistrate shall cancel the order.

examinations. Since both the parties were good in their academics, their families decided to solemnize their marriage with the belief that soon they would get government employment. Soon after the marriage, the respondent-wife secured government job in High Court of Allahabad on the post of Additional Private Secretary, but the petitioner-husband did not get a government job even though he has been equally good in studies, as claimed by the petitioner. The petitioner while preparing for the competitive examinations also pursued Law and obtained LL.B. degree, and thereafter got enrolled as an Advocate with the Bar Council of Uttar.

3.1 It is further contended in maintenance application that after securing a job as an Additional Private Secretary in High Court of Allahabad, the respondent-wife started quarreling and misbehaving with the petitioner and his mother and tried every possible means to separate the petitioner-husband from his family and launched false criminal prosecution against the petitioner and his family members by influencing the police. The petitioner has no independent source of income. He is an unemployed youth, and is preparing for competitive examinations. The respondent-wife also started taunting the petitioner for being unemployed and even humiliated the petitioner in front of her colleagues at her work place. The respondent-wife started filing false FIR based on concocted story against the petitioner with the intention to spoil his career.

3.2 The petitioner has no source of income for survival and is maintaining himself by way of taking loan from his friends and relatives. Presently the petitioner has no option except of filing an application under Section 144 BNSS, 2023 for seeking maintenance from the respondent-wife. The petitioner has also contended that he has not filed any petition before any Court for seeking maintenance prior to filing of the present petition.

4. In support of the contentions raised in the maintenance application filed under section 144 of BNSS, 2023, the learned counsel for the petitioner argued that the respondent-wife has spoiled the career of the petitioner by filing two FIRs against him based on incorrect facts; **(i)** Case Crime No.27 of 2023, under Sections 498A, 323, 504, 506 IPC and Section 3/4 of Dowry Prohibition Act, at P.S. Mahila Thana, Commissionerate Prayagraj, **(ii)** Case Crime No.043 of 2024, under Sections 406, 506 IPC, at P.S. Cantt, Commissionerate Prayagraj. The respondent-wife has also filed a divorce petition under Section 13 of the Hindu Marriage Act, 1955 registered as Marriage Case No.2504 of 2023, titled as 'Shri. [Name] vs. Shri. [Name]', pending trial before the learned Principal Judge, Family Court, Prayagraj. The petitioner has to travel for around 400 kilometers on each fixed date to attend the court proceedings.

4.1 He next submitted that the petitioner has also filed an application under Section 9 of the Hindu Marriage Act, 1955 registered as Case No.43 of 2024 before the learned Principal Judge, Family Court, Etawah and the respondent-wife has not participated in the said proceedings. In fact, the respondent-wife preferred a Transfer Application No.883 of 2024 before this Court for transfer of the Case No.43 of 2024 pending trial before learned Family Court, Etawah. The co-ordinate Bench of this Court stayed the aforesaid proceedings vide order dated 14.11.2024.

4.2 The petitioner has to travel thousands of kilometers in a month to attend the Court proceedings with regard to numerous cases filed by the respondent-wife, and due to the same reason, the petitioner has developed serious health issues like high blood pressure, hypertension, sugar, high cholesterol, urinary problems, heart and kidney diseases.

4.3 The respondent-wife has not been appearing before the learned Principal Judge, Family Court, in the proceedings under section 144 of BNSS, 2023 and since then no effective order has been passed.

4.4 Lastly, it is submitted by way of rejoinder affidavit dated 28.11.2025 through Advocate Shri Anurag Shukla that the present petition has been filed with a limited relief seeking expeditious disposal of the application under section 144 of BNSS, 2023 and as such no counter affidavit is required. The petitioner has also filed an application no.7 of 2025 dated 15.12.2025 through Advocate Shri Arun Kumar Soni along with an affidavit seeking liberty from this Court to withdraw the present petition, which was argued by Shri O.P. Singh, learned Senior Counsel for the petitioner.

4.5 The petitioner has also filed a supplementary affidavit dated 9.12.2025, wherein he submitted that due to his sudden illness he failed to appear before this Court on 8.12.2025 and non appearance of the petitioner was intimated to this Court by post on 7.12.2025 through the petitioner's counsel to the Registrar General. The whatsapp message was also sent and the same was acknowledged by the respondent's counsel.

5. *Per contra*, Ms. _____, learned counsel for the respondent-wife submitted that the petitioner comes from a political family and is a registered Advocate with Bar Council of Uttar Pradesh. The petitioner has started his legal practice before this Court under the juniorship of Shri Anurag Shukla (Advocate Roll No.0127/2016). The uncle of the petitioner was the Member of 15th Lok Sabha from Etawah constituency while his mother was a Gram Pradhan. The petitioner also was in construction business. The petitioner is fraud, compulsive liar and a greedy man. He does everything to get easy money. He is a healthy and sturdy man and is

addicted to alcohol and bad habits; he wants free money to live a debauched life.

5.1 The petitioner has a history of making false and misleading statements before learned Family Court and this Hon'ble Court as well. He has attempted to secure relief by suppressing and concealing true and material facts. The petitioner has misled the Court to obtain favourable orders while continuing to take benefit from the respondent wife's income. Despite being an Advocate, the petitioner has portrayed himself as a helpless and pitiable person in order to gain undue sympathy and advantage in the proceedings.

5.2 On 10.11.2020, the petitioner fraudulently, by taking the respondent-wife in confidence on false promise to purchase a plot of land, took a personal loan of Rs.11,50,000/- from the respondent's salary account in SBI Bank having branch at High Court at Lucknow-a Bench of the High Court of Judicature at Allahabad. The petitioner again on 6.10.2022, took personal loan of Rs.13,56,000/- to be repaid in six years from the respondent's salary account, in Jhalwa Branch of SBI, at Prayagraj. The respondent-wife has been paying monthly EMI of Rs.26,020/- since then, and will pay till October, 2028. The said loan was taken under the guise of purchasing a plot whereas the petitioner fraudulently kept transferring the loan amount into his personal account through UPI and exhausted all the loan amount, total amounting to Rs.13,56,000/-, on alcoholic drinks and leading luxurious life, and other nefarious activities.

5.3 It is next submitted that all the banking details, password, ATM/ Debit Card of the respondent-wife were with the petitioner-husband, who without her consent and knowledge made unauthorized withdrawals and spent the entire money on leading luxurious life and consuming alcoholic drinks.

5.4 As per respondent-wife, when she confronted the petitioner regarding the account statement, and luxurious spending, initially he avoided the respondent and thereafter started perpetuating cruelty. The loan was taken under the guise of taking a plot of land and when she insisted for a visit to the plot, the petitioner became aggressive and started causing mental and physical cruelty upon the respondent. The petitioner left the respondent-wife at her maternal home and stopped contacting her. After some days, the respondent-wife visited her rented home in Kalindipuram, Prayagraj and came to know that her husband (petitioner) had run away with all the household articles, jewelries and her Vitara Brezza car bearing registration no.UP-70-EW-3661, purchased by the respondent-wife from her own funds.

5.5 She next submitted that when the respondent-wife asked the petitioner to return her car, given in the marriage, he shamelessly demanded Rs.10 lakhs from the respondent. Aggrieved by the same, the respondent lodged an FIR against the petitioner on 07.03.2024 having Case Crime No.0043 of 2024, under Sections 406, 506 IPC, at P.S. Cantt, Prayagraj. Against the aforesaid FIR, the petitioner filed a Criminal Misc. Writ Petition No.4930 of 2024 with the prayer to quash the FIR and the petition was dismissed with the observation that the FIR *prima facie* disclose commission of cognizable offense and the prayer to quash the FIR cannot be entertained. Even after lodging an FIR, the petitioner refused to return the car, and aggrieved by the same, the respondent-wife was further forced to file Criminal Misc. Writ Petition No.14344 of 2024 with the prayer to direct to the police to recover the vehicle registered in her name and handover to her. The same was dismissed as 'not pressed' with the understanding that the matter would be settled out of the Court in mediation proceedings.

5.6 Aggrieved by the constant physical and mental abuse by the petitioner, the respondent- wife lodged an FIR on 01.04.2023 having

Case Crime No.0027 of 2023, under Sections 498A, 323, 504, 506 IPC and 3/4 Dowry Prohibition Act, at P.S. Mahila Thana, Prayagraj. Thereafter, being aggrieved by the aforesaid FIR, the petitioner has filed a Criminal Misc. Writ Petition No.6041 of 2023 before this Court with the prayer to quash the FIR which was dismissed for want of prosecution vide order dated 06.08.2024, and thereafter two FIRs have also been lodged against the petitioner-husband.

5.7 Aggrieved by the ill and reprehensible behaviour of the petitioner, leading to the mental and physical torture, the respondent-wife, filed a divorce petition under Section 13 of Hindu Marriage Act, 1955 before the learned Principal Judge, Family Court, Allahabad, which is pending for final adjudication. The respondent-wife has gone through emotional dysregulation and cognitive disturbances and a situation came where it became impossible to live with the petitioner-husband, and therefore, the respondent-wife filed the aforesaid divorce petition.

5.8 In the divorce petition, on 20.5.2025, the petitioner filed an application under section 24 of Hindu Marriage Act, 1955 seeking maintenance based on concocted and false averments. The learned Family Court vide order dated 15.9.2025 allowed the application under section 24 of the HMA with the direction to the respondent-wife to pay Rs.5,000/- per month as an interim maintenance and Rs.10,000/- towards litigation expenses. Against the order dated 15.9.2025, the respondent-wife filed a review application which is pending for adjudication before the learned Principal Judge, Family Court, Prayagraj.

5.9 She next submitted that the respondent-wife challenged the proceedings filed under section 144 of BNSS, 2023 pending adjudication before the learned Family Court, Etawah, before this

Court by way of a Transfer Application (Criminal) No.517 of 2025, this Court vide order dated 3.11.2025 stayed the further proceedings arising out of Maintenance Case No.523 of 2025 filed under section 144 of BNSS, 2023 pending before the learned Family Court, Etawah.

5.10 The conduct of the petitioner clearly reflects a deliberate attempt by initiating multiple frivolous proceedings solely to delay the lawful adjudication of the matter. The petitioner despite being capable of earning has been intentionally suppressing material facts and falsely portraying himself as an unemployed person only to seek undue advantage, and has engaged the respondent-wife in multiple litigation to frustrate her.

5.11 It's next emphatically submitted that the respondent was subjected to continuous physical and mental cruelty at the hands of the petitioner-husband, which, according to her, led to severe emotional distress and depression. It has further been alleged that the petitioner is habitual drunkard and had, without lawful justification, procured substantial personal loans from the salary account of the respondent-wife, and that the withdrawn amounts were misused for gambling, drinking and other improvident activities.

5.12 Ms. _____, learned counsel for the respondent-wife concluded her submission by stating that a compensatory cost be imposed on the petitioner-husband, and a more realistic and pro-active approach is needed for Courts to deal with such matters. The compensatory cost may act deterrent to vexatious or luxury litigation born out of false pretenses, ego, greed, or resorted to as a buying-time tactics. In this context, she placed reliance upon the observation made by the Supreme Court in *Ashok Kumar Mittal v. Ram Kumar Gupta*²,

² [(2009) 2 SCC 656]

*Vinod Seth v. Devinder Bajaj*³, and *Sanjeev Kumar Jain v. Raghuvir Saran Charitable Trust*⁴.

6. In brief, few facts and the relevant contents of the orders passed during the hearing of the petition would help to reach to a logical conclusion. The present petition was filed before this Court on 25.09.2025 and was firstly listed on 04.11.2025. On the first date, none was present on behalf of the petitioner neither any adjournment slip was moved on his behalf. This Court directed both the parties to appear in person and accordingly the Registry was directed to communicate a copy of the order to Shri Kumar Anubhav, learned counsel for the petitioner on his registered mobile number to ensure the presence of the petitioner in person on the next date of hearing. In compliance thereof a copy of the order dated 4.11.2025 was communicated to Shri Kumar Anubhav on his registered mobile no.6387317341.

6.1 On 11.11.2025, on the joint request of learned counsel for the parties, the matter was adjourned to 21.11.2025, and when the matter was taken up on 21.11.2025, again none appeared on behalf of the petitioner while the respondent's counsel was present, and on his request the case was adjourned to 25.11.2025. On 25.11.2025, the respondent-wife filed counter affidavit while time was granted to the petitioner to file rejoinder affidavit and accordingly, rejoinder affidavit was filed on 28.11.2025.

6.2 On 03.12.2025 after hearing learned counsel for both the parties, this Court called for the certified copy of the record from learned District Judge, Etawah regarding all pending cases between the parties. The learned counsel for the respondent-wife was also directed to furnish details regarding pending cases between the parties

3 [(2010) 8 SCC 1]

4 [JT 2011(12) SC 435]

before the Allahabad District Court and High Court along with orders and the learned counsel for the petitioner was granted time to prepare with the case.

6.3 On 8.12.2025, the matter was called twice. None appeared on behalf of petitioner while the learned counsel for the respondent was present. The matter was scheduled to be taken up at 10:30 a.m. and was taken up at 12:40 p.m. still neither petitioner nor his counsel appeared on his behalf. In compliance with the order dated 3.12.2025, the respondent's learned counsel furnished details of the litigation pending between the parties before the various Courts. Learned counsel for the respondent informed the Court that the learned counsel for the petitioner was communicated on two separate occasions and petitioner's learned counsel cited his unavailability and thereafter finally deliberately refused to accept the counter affidavit. In the interest of justice, this Court had granted last and final opportunity to the petitioner to advance submissions personally or through duly engaged counsel and the copy of order was duly communicated to the petitioner on his registered mobile number through Registrar (Compliance).

6.4 On 10.12.2025, Shri Arun Kumar Soni, learned counsel for the petitioner appeared and sought time to go through the counter affidavit filed on behalf of respondent-wife and to file rejoinder affidavit, accordingly one week's time was further accorded to the learned counsel for the petitioner. Ms. Vijeta Singh, learned counsel for the respondent was heard at length and she was directed to furnish the copy of petition to Ms. Amrita Rai Mishra, learned Advocate, who may assist the Court on behalf of the petitioner, on the next date of hearing if the petitioner's counsel fails to appear before the Court. This alternative arrangement was made because the petitioner was

frequently replacing the advocates, and the Court was facing difficulty to proceed with the matter.

6.5 On 17.12.2025, Shri O.P. Singh, learned Senior Counsel, assisted by Shri Arun Kumar Soni, learned counsel appeared for the petitioner and submitted that an application for withdrawal of the case is pending before the Registry waiting clearance, therefore, either the case may be dismissed as withdrawn or the Court may wait till the time the withdrawal application is cleared by the Registry. Upon the query of this Court regarding the possibility of amicable settlement, if any, may be arrived between the parties, the learned Senior Counsel submitted that the petitioner is ready and willing to seek mutual divorce. The Court further queried regarding the terms and conditions of the mutual divorce on which the learned Senior Counsel submitted that he had no instruction in this regard and requested a discharge from this case and left the Court. Thereafter, this Court accordingly, directed Ms. Amrita Rai Mishra, learned Advocate to assist the Court as an Amicus-Curiae.

7. On 17.12.2025, Ms. Amrita Rai Mishra, learned Amicus-Curiae filed written submission, and the same has been taken on record. She contended that the petitioner is already getting maintenance of Rs.5,000/- per month and also received one time amount of Rs.10,000/- for litigation expenses. The maintenance was awarded pursuant to an application dated 20.05.2025 filed by the petitioner under Section 24 of Hindu Marriage Act, 1955 in the divorce proceedings initiated by the respondent-wife, pending trial before the learned Family Court, Prayagraj. The petitioner has not disclosed the details of the application dated 20.05.2025, filed under section 24 of Hindu Marriage Act, 1955 and an order dated 15.09.2025 passed by the learned Family Judge, Prayagraj directing the respondent-wife to pay Rs.5,000/- per month to the petitioner and Rs.10,000/- towards

legal expenses, in an application filed under Section 144 BNSS, 2023 before learned Family Judge at Etawah. Learned Amicus-Curiae has drawn the attention of the Court to paragraph no.16 of the Maintenance Application No.523 of 2025, filed under 144 BNSS, 2023 wherein the petitioner has stated that no case with regard to maintenance is pending in any Court and sworn affidavit to this effect.

7.1 The learned Amicus-Curiae further stated that even if the wife is employed, the husband cannot make himself wholly dependent on his wife's income through a device under Section 24 of Hindu Marriage Act. The petitioner has not filed an affidavit of assets and liabilities as mandated in *Rajnish v. Neha and another*⁵. She next submitted that the petitioner has sworn false affidavit before this court and before the learned Judge, Family Court both at Prayagraj and Etawah. In support of the submissions, learned Amicus-Curiae has relied upon the judgment passed by the Hon'ble Supreme Court in the case of *Rajnish v. Neha, (supra)*; a judgment passed by Bombay High Court in *Smt. Kanchan w/o Kamendra Sawarkar v. Kamendra*⁶; a judgment passed by Madhya Pradesh in *Yashpal Singh Thakur v. Smt. Anjana Rajput*⁷; and a judgment passed by High Court of Kerala in the case of *Nivya v. Shivaprasad*⁸ to substantiate that the husband is disentitled to claim maintenance under section 144 of BNSS, 2023 and there was no reason for the learned Family Judge, Etawah to entertain such a frivolous application.

7.2 Learned Amicus-Curiae further stated that petitioner is in habit of misleading Courts by placing incorrect facts and swearing false affidavits. This become grave when the petitioner himself claims to be a practicing Advocate and has been appearing in this Court regularly

5 [(2021) 2 SCC 324]

6 [AIR 1992 Bombay 493]

7 [AIR 2001 MP 67]

8 [2017 SCC OnLine Ker 2567]

under the guidance of Shri Anurag Shukla, learned counsel. Contesting matrimonial litigation is one thing, and filing false and frivolous petitions along with false affidavits is another matter of grave concern. The conduct of the petitioner shall be taken seriously. On one hand, the respondent-wife is paying monthly installment of Rs.26,020/- against the loan spent by the petitioner-husband for consuming alcohol and leading luxurious life. On the other hand, the petitioner has moved two separate maintenance applications; **(i)** under section 144 of BNSS, 2023 and **(ii)** section 24 of Hindu Marriage Act, 1955 accompanied with false affidavits. Further, the petitioner is getting a maintenance of Rs.5,000/- per month by misleading the learned Family Court and received one time amount of Rs.10,000/- towards litigation expenses under section 24 of Hindu Marriage Act, 1955.

7.3 She next submitted that it can very well be understood that petitioner is a crook and lair, and leading a debauched life. The Court may proceed further with perjury proceedings against the petitioner-husband.

8. This Court has examined and given a thoughtful consideration of the records; **(i)** summoned from the court of learned Principal Judge, Family Court, Etawah where an application under section 144 BNNS, 2023 was filed by the petitioner, **(ii)** the Matrimonial Case No.2504 of 2023, pending adjudication before the learned Principal Judge, Family Court, Prayagraj and proceedings initiated before learned Family Judge on the petitioner's application under section 24 of the HMA, 1955, **(iii)** the affidavits sworn by the petitioner, **(iv)** order dated 15.9.2025 passed in Application under section 24 of HMA, 1955 by learned Family Judge, Prayagraj, and the findings recorded by the learned Judge in the last portion of para-4 of internal page-6 of the order, **(v)** the account statements of respondent-wife

with respect to the loan amount, **(vi)** contents of FIR No.0027 of 2023, under sections 498A, 323, 504 and 506 IPC read with section 3/4 Dowry Prohibition Act, at P.S. Mahila Thana, Prayagraj, **(vii)** FIR No.0043/2024, under sections 406, 506 IPC registered at P.S. Cantt. Prayagraj, **(viii)** orders dated 18.03.2024, 19.04.2023 & 06.08.2024 passed by Division Bench of this Court in Criminal Misc. Writ Petition No.6041 of 2023, titled as *Ranjeet Singh v. State of U.P. and 3 others*, **(ix)** order dated 24.10.2024 passed by co-ordinate Bench of this Court in Matters Under Article 227 No.12641 of 2024 titled as *v. State of U.P. and 3 others*, **(x)** order dated 02.04.2024 passed in Criminal Misc. Writ Petition No.4930 of 2024, titled as *Ranjeet Singh v. State of U.P. and 3 others*, **(xi)** order dated 02.09.2024, 25.09.2024, 22.10.2024 and 03.03.2025 passed by the Division Bench in Criminal Misc. Writ Petition No.14344 of 2024 titled as *v. State of U.P. and 3 others*, **(xii)** order dated 14.11.2024 passed in Transfer Application (Civil) No.883 of 2024, titled as *v. State of U.P. and 3 others*, **(xiii)** order dated 03.11.2025 passed in Transfer Application (Criminal) No.517 of 2025 titled as *v. State of U.P. and 2 others*, and **(xiv)** affidavit of assets and liabilities filed by the petitioner-husband before the learned Family Court, Prayagraj.

9. Admittedly, the petitioner's marriage was solemnized with respondent on 18.5.2019 in accordance with Hindu rites and ceremonies. The marriage could not succeed and both the parties entered into litigation. The record further suggests that the respondent-wife is a resident of Prayagraj and also got job in this Court as Additional Private Secretary. The respondent-wife got transferred to Lucknow Bench of this Court for the convenience of the petitioner-husband and remained posted there for approximately 3 years.

Subsequently, when the dispute arose, the respondent-wife got transferred to Prayagraj, and started living at a rented accommodation.

9.1 The record further suggests that the respondent-wife initially has taken a personal loan of Rs.11,50,000/- on her salary account from SBI Bank branch, situated at Lucknow Bench of this Court. The loan was subsequently paid by the respondent-wife. Thereafter, the respondent-wife at the persistent request of her husband to save the matrimonial life again taken a personal loan of Rs.13,56,000/- on 6.10.2022, and since then she is paying regular monthly installments of Rs.26,020/- from her salary account.

9.2 The salary account statement of respondent-wife further reflects that the petitioner-husband transferred the entire loan amount from respondent-wife's account no.38057767739 at SBI Branch High Court to his account no.3444187141 at Central Bank of India and second Account no.3499626709 through UPI. The complete details have not been provided by the petitioner.

9.3 The Income Tax Return (ITR) of the petitioner-husband for the Assessment Year 2023-2024 shows that total income of the petitioner was Rs.4,70,540/-, and the petitioner has given a justification that the petitioner was a civil contractor before joining the legal profession in the year 2025, and therefore, filed ITR for the year 2023-2024. The petitioner has two Bank Accounts at State Bank of India, bearing Account No.3499626709 and 3948116745, as disclosed in affidavit of assets and liabilities filed by the petitioner. The petitioner has neither annexed the last three years bank account statement nor furnished the further details like name of the bank, branch and account number etc. Thus, it can safely be concluded that the petitioner has concealed the material source of income from the learned Principal Judge, Family Court, Prayagraj.

9.4 It is also admitted that besides the criminal cases filed by the respondent-wife against the petitioner, the writ petitions, and transfer petitions were filed by both the parties. A divorce petition registered as Matrimonial Case No.2504 of 2023 under Section 13 of the Hindu Marriage Act, was filed by the respondent-wife on 22.12.2023, and since then the same is pending consideration before the learned Judge Family Court, Prayagraj. The petitioner-husband had moved an application dated 20.05.2025 under Section 24 of the Hindu Marriage Act for seeking maintenance, which was allowed vide order dated 15.9.2025 with the direction to the respondent-wife to pay Rs.5,000/- per month to the petitioner and Rs.10,000/- towards legal expenses.

9.5 The respondent-wife preferred a petition under Article 227 No.12641 of 2024 seeking a direction to the learned Principal Judge, Family Court to decide the Matrimonial Suit No.2504 of 2023 filed under Section 13 of the Hindu Marriage Act, 1955 within a fixed time frame. The co-ordinate Bench of this Court placing reliance upon Section 21-B of Hindu Marriage Act, 1955, disposed of the petition with the observation that the Act of 1955 itself provides for deciding the petition within fixed period of time, therefore, there is no need for issuing a separate direction to the learned Family Court. The Family Court was directed to proceed in accordance with Section 21-B of the Act, 1955. Section 21-B of the Hindu Marriage Act, 1955 has been reproduced:

“21B. Special provision relating to trial and disposal of petitions under the Act.—(1) The trial of a petition under this Act shall, so far as is practicable consistently with the interests of justice in respect of the trial, be continued from day to day until its conclusion unless the court finds the adjournment of the trial beyond the following day to be necessary for reasons to be recorded.

(2) Every petition under this Act shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within

six months from the date of service of notice of the petition on the respondent.

(3) Every appeal under this Act shall be heard as expeditiously as possible, and endeavour shall be made to conclude the hearing within three months from the date of service of notice of appeal on the respondent.”

9.6 It is also admitted position that the petitioner-husband again instituted a fresh maintenance application under section 144 of BNSS, 2023 on 29.5.2025 before the learned Family Court, Etawah. Aggrieved by the same, the respondent-wife approached this Court through a Transfer Application (Criminal) No.517 of 2025 seeking transfer of the case from learned Family Court Etawah to Prayagraj, where both the parties to the litigation are residing, though separately. This court vide order dated 3.11.2025 issued notice to the petitioner-husband and stayed further proceedings of the aforesaid Maintenance Case No.523 of 2025.

9.7 Immediately after filing the aforesaid Maintenance Case No.523 of 2025, the petitioner-husband moved the present petition for seeking direction to expedite the aforesaid maintenance proceeding pending before the learned Family Judge, Etawah.

9.8 After examining the bank account statement of the respondent-wife, it is also an admitted position that the respondent-wife had firstly taken a personal loan of Rs.11,50,000/- on 10.11.2020 and after its repayment again took personal loan of Rs.13,56,000/- on 6.10.2022, and since then she has been paying a monthly EMI of Rs.26,020/- from her salary account. It is also admitted position that the huge amount (almost entire amount) has been transferred by petitioner into his personal account without knowledge and consent of the respondent-wife. It is also admitted position that no land has been purchased as promised by the petitioner-husband from the loan amount. The examination of the bank account statement of the

Chauraha, District Etawah, and (vii) the petitioner is also a owner of a bike and a car.

12. Contrary to the petitioner's family background, the respondent-wife comes from a modest middle class family, her father is retired from police services and her mother served in the health department as a Group-D employee. The respondent-wife qualified exam for the post of Additional Private Secretary on 14.5.2019 and joined her services on 07.06.2019 and the marriage was solemnized on 18.5.2019. Notably, the marriage was solemnized within a week of declaration of the final result of the respondent-wife.

13. Further, the material placed on record reflects that the proceedings under Section 144 BNSS, 2023 were stayed by a Coordinate Bench of this Court in the transfer application preferred by the respondent-wife, and the petitioner-husband tried to conceal the same fact from this Court. In such circumstances, the prayer for expeditious disposal of a proceeding which presently stands stayed is rendered infructuous and legally unsustainable. This Court cannot be oblivious to the submission advanced on behalf of the respondent that Section 144 BNSS, 2023 primarily contemplates grant of maintenance to wives, children and parents. Further, in the present case the petitioner-husband, being an able-bodied person and a practicing Advocate, cannot seek to project himself as wholly dependent without full and candid disclosure of his financial status, particularly in the absence of an affidavit of assets and liabilities as mandated in *Rajnish v. Neha (supra)* with full and correct disclosure.

14. The record further suggest that the petitioner has sworn the affidavit stating that the contents of paragraphs nos.1 to 12 of affidavit are true to his personal knowledge. The perusal of the affidavit reveals the petitioner has concealed the fact that he has been getting monthly

maintenance of Rs.5000/- from the respondent-wife. It was also concealed that the proceedings of the maintenance Case No.523 of 2025 filed under section 144 of BNSS, 2023 before the learned Family Judge, Etawah have been stayed by the co-ordinate Bench of this Court.

15. Interestingly, the husband is disentitled to claim maintenance from his wife under 144 of BNSS, 2023. The Madras High Court in *B. Clement v. Mcthel Thanga Annam*⁹, observed as under:

“To read and understand the scope of Section 125 of the Code of Criminal Procedure is not a tortuous task. The words are plain and the intention is explicit. The legislature would not have intended to clothe the husband with the right to claim maintenance from his wife under this Chapter. Though under some personal laws, the husband may be entitled to claim maintenance from the wife, it is certainly not possible under Section 125 of the Code of Criminal Procedure.”

16. A reference can also be taken from a judgment passed the Hyderabad High Court in *Malleshwaramma v. G.S. Srinivasulu*¹⁰, the court observed as under:

“It appears, the Parliament, in its wisdom, intentionally not included the words husband or spouse after the words his wife and preceding the words unable to maintain in clause (a) of Sub-section (1) of Section 125 Cr.PC; therefore, a husband is not entitled to file application under Section 125 Cr.PC claiming maintenance from the wife.”

17. The High Court is not a window shopping forum, and the petitioner has approached this Court numerous times with incorrect and misleading facts and swearing false affidavits in support of the petitions and applications. The conduct of the petitioner in suppressing material facts and pursuing parallel remedies, while seeking equitable relief, disentitles him from any indulgence by this Court.

18. So far as the issue of compensatory cost is concerned, and the judgments placed reliance by Ms. Vijeta Singh, the common thread

9 [2012 SCC OnLine Mad 1970]

10 [2016 SCC OnLine Hyd 182]

running through all the judgments is the reiteration of three salutary principles; **(i)** cost should ordinarily follow the event, **(ii)** realistic cost should be awarded keeping in view the ever increasing litigation expenses, and **(iii)** the cost should serve the purpose for curbing frivolous and vexatious litigation. The words of Justice Brown in *Cropper v. Smith (1884)*¹¹ aptly resonates strongly with an issue for determination of the compensatory cost-“*I found in my experience that there is one panacea which heals every sore in litigation and that is costs*”.

19. The traditional framework of ‘*litigation costs*’ in law has largely been confined to the reimbursement of quantifiable losses or litigation expenses. However, this narrow understanding becomes inadequate when applied to the evolving realities of marital relationships, particularly in cases involving economic abuse. Where one spouse systematically depletes the financial resources of the other under the guise of marital authority or expectation, the injury inflicted transcends mere monetary loss.

20. Economic abuse within marriage operates in insidious ways-through control over income, coercive appropriation of assets, and the gradual erosion of financial independence. The aggrieved spouse, often acting in good faith and with the expectation of marital stability, may tolerate such conduct until the harm becomes irreversible. In such circumstances, limiting compensatory costs to direct financial loss fails to capture the full extent of the injustice.

21. A young professional woman, who, after qualifying for the competitive exam, secures a government job, and whose financial and personal resources have been systematically depleted by her husband, may initially endure such deprivation in the expectation that the marital relationship will eventually stabilize and fulfill its intended

11 [(1884) 29 Ch. D. 700]

purpose of mutual support. However, where this expectation is frustrated, and the relationship instead becomes a vehicle for sustained economic and emotional exploitation, the law cannot remain indifferent.

22. In such circumstances, the imposition of financial liability- whether through maintenance, compensation, or restitution- serves a legitimate legal purpose. It is not merely punitive, but corrective: aimed at restoring, as far as possible, the economic position and dignity of the aggrieved spouse. This aligns with established jurisprudential principles that recognize marriage not as a license for exploitation, but as a partnership grounded in equity, good faith, and mutual obligation.

23. Jurisprudentially, there is a compelling case for expanding the scope of compensatory costs to include elements of restitution and equitable rebalancing. The doctrine of unjust enrichment provides that no person should benefit at another's expense without lawful justification. Similarly, the principle of *restitutio-in-integrum* seeks to restore the injured party to the position they would have occupied but for the wrongdoing. When applied to marital exploitation, these principles demand a broader, more nuanced approach. The law, therefore, intervenes not only to redress individual harm but also to uphold the normative ideal that justice within intimate relationships is neither illusory nor optional.

24. For the aggrieved individual, the claim to compensation is not merely a financial demand- it reflects a deeper conception of justice as something inviolable and worthy of vindication. Where exploitation has been normalized under the guise of marital duty, legal remedies serve to reaffirm that such expectations are neither lawful nor morally defensible.

25. Such an approach aligns with the constitutional commitment to dignity and equality, ensuring that legal remedies remain responsive to lived realities. Ultimately, the law must evolve to recognize that justice within marriage is not merely symbolic but materially enforceable.

26. From a jurisprudential perspective, the gap between the litigation costs and compensatory costs highlights the tension between formal legal structures and substantive justice. Legal realism reminds us that law must respond to social realities rather than remain confined to abstract doctrines. In the context of marital exploitation, this requires a shift from a purely needs-based framework to one that incorporates accountability and restitution.

27. Courts must therefore move beyond viewing marriage as a private sphere insulated from rigorous legal scrutiny. Instead, they should recognize that power imbalances within marriage can give rise to legally cognizable harm. By expanding the scope of remedies to include compensatory and restitutionary elements, the law can better address the full spectrum of injury suffered by the aggrieved spouse. Such an evolution would not undermine the institution of marriage; rather, it would reinforce its foundational values by ensuring that it cannot be misused as a tool for exploitation.

28. The pursuit of justice within intimate relationships presents unique challenges for legal systems. Unlike commercial transactions, marital relationships are characterized by trust, emotional interdependence, and informal arrangements. However, these very features can create conditions for exploitation, particularly when one party exercises disproportionate control over financial resources.

29. Equity, as a jurisprudential concept, offers a pathway forward. Rooted in principles of fairness and conscience, equity allows courts

to tailor remedies to the specific circumstances of each case. In situations of economic abuse, this may involve not only compensating for direct losses but also addressing the broader consequences of dependency and dis-empowerment. This aligns with the moral intuition that justice requires both compensation for the victim and disgorgement from the wrongdoer.

30. In conclusion, the evolution of legal principles in this area is not merely desirable but necessary. As societal understandings of marriage continue to change, so too must the law adapt to ensure that justice remains both relevant and effective. In the context of the lived realities of 2026, courts are required to adopt a proactive and progressive approach in adjudicating such matters, ensuring that legal remedies evolve in step with contemporary forms of harm and exploitation.

31. Based on above said deliberations, this Court cannot lose sight of the fact that the respondent-wife on the insistence of petitioner's husband, taken personal loan twice (Rs.11,50,000/- on 10.11.2020 & Rs.13,56,000/- on 06.10.2022) against her salary account. After foreclosure of the first loan, the second loan was immediately availed, and the respondent-wife has been paying regular installment of Rs.26,020/- per month, and will pay till October, 2028, besides a maintenance of Rs.5000/- per month to the husband, and Rs.10000/- was paid towards litigation cost. Needless to mention, the entire loan amount has been unauthorizedly misused by the petitioner-husband as reflected from the pattern of withdrawal of the amount and some transaction reflects a large amount has been transferred through UPI and other similar modes.

32. In view of the aforesaid facts and circumstances, this Court is of the considered opinion that the present petition under Article 227 of the Constitution of India lacks *bona-fides* and does not warrant

exercise of supervisory jurisdiction vests with this Court. Accordingly, the equity demands the present petition is dismissed with the compensatory cost of Rs.15,00,000/- to be given to the respondent-wife within six weeks from today by way of demand draft. The demand draft be deposited with the Registrar General of this Court, who shall in turn, hand over the same to the respondent-wife.

32.1 The justification for imposing a heavy cost rooted in the logic emerged from undisputed facts and the jurisprudential deliberations discussed herein above.

32.2 Accordingly, the instant petition is dismissed.

33. The observation made herein above have been made to decide the present petition and shall have no bearing on the case(s) pending trial before the learned Principal Family Court, Prayagraj or any other Court. The learned Principal Judge, Family Court shall decide the case(s) on its merit in accordance with law.

Further Directions:

34. The petitioner has invoked the jurisdiction vests with this Court under Article 227 of the Constitution of India, which empowers this Court with supervisory jurisdiction over all courts within their territorial jurisdiction. It would be in the interest of justice and right, if the pending litigation between the parties be concluded at the earliest, in a free and fair manner by upholding an opportunity of hearing to both the parties, and thus following directions are issued.

34.1 The learned Principal Judge, Family Court, Prayagraj is directed to expedite the proceedings arising out of Matrimonial Case No.2504 of 2023, under Section 13 of Hindu Marriage Act, titled *Smt.* and to decide the same in accordance with the view taken by the co-ordinate Bench of this Court in Matters

Under Article 227 No.12641 of 2024, titled as ‘
, vide order dated 24.10.2024.

34.2 The proceedings be decided in view of the time period mentioned in Section 21-B of the Hindu Marriage Act, 1955. No unnecessary adjournment shall be granted to either of the parties, the application(s) of personal exemption shall be decided by recording a reason, and in case repetitive personal exemption applications are filed, the same shall be decided by keeping in mind the objective of Section 21-B of HMA.

34.3 In case, the learned Advocates for the petitioner creates commotion in the Court and obstruct the course of justice by raising voice inside the court or creating an atmosphere not conducive to the effective and unbiased trial of the case, the proceedings of the case shall be immediately commenced with in-camera proceedings. In such case, only one learned Advocate along with an assisting learned Advocate shall be allowed inside the court room from both the sides. Further, in case of non-availability of the Advocates, the learned Family Court shall immediately make an alternative arrangement by appointing an Advocate from the panel of legal Aid Counsel. On such appointment, such legal aid counsel shall step into the shoes of the learned counsel for the petitioner so that the learned court may proceed with the trial effectively.

34.4 Having regard to the nature of allegations and counter-allegations between the parties and in order to ensure a fair and uninfluenced adjudication, it is directed that the evidence of the parties, including cross-examination, shall be conducted, as far as practicable, in-camera in terms of Section 11 of the Family Courts Act, 1984, so as to preserve the dignity and privacy of the parties. No person other than the parties, their duly engaged counsel and authorized Court staff shall remain present during such proceedings.

34.5 As the respondent-wife has filed an application for recall and review of the order dated 15.9.2025, passed by learned Principal Judge, Family Court Prayagraj, under Section 24 of Hindu Marriage Act in Matrimonial Case No.2504 of 2023, titled as :

, the same may be decided within four weeks after receipt of a copy of this order.

34.6 The learned Principal Judge, Family Court, is directed to ensure that sufficient and appropriate security arrangements are made available to the respondent-wife within the Court premises to maintain a secure and congenial environment for the fair and smooth conduct of the proceedings.

34.7 The learned Principal Judge, Family Court shall further submit a quarterly status report to the Registrar (Compliance) of this Court, apprising him of the progress of the case, with a view to ensuring its expeditious and effective disposal strictly in accordance with law, who in turn shall place the same on record of this case.

35. The justification of giving such a direction is that this Court has noticed commotion inside and outside the Court by a group of learned Advocates during the hearing of this Case. The petitioner kept on replacing his Advocates during the hearing of this case and one learned Senior Counsel sought his discharge from the case during the hearing, and left the court in middle of the arguments. This Court is trained and possessed with wisdom to defuse such a situation as and when arises. This Court understands that the learned trial court judges work on a different footings and in a different atmosphere. The facts and circumstances of this case necessitated this Court to pass the aforesaid directions.

36. This Court is of the *prima-facie* view that the petitioner has approached the learned Family Courts with a concealment of material

facts, false averments on oath, and therefore, this Court deems it appropriate to direct the learned Principal Judge, Family Court, Prayagraj to call for an inquiry, at an appropriate stage, to examine the question of initiation of appropriate proceedings in accordance with law against the petitioner-husband for filing false affidavit and concealing material particulars. The respondent-wife shall be at liberty to file the certified copy of the petitions, affidavits or any other material as she deemed it appropriate before the learned Family Judge, Prayagraj for its record and reference. It's made clear that the learned Judge, Family Court shall apply its independent mind before taking cognizance of the issue connected hereto.

Further Directions for Realization of the Costs

37. In case, the petitioner-husband failed to deposit the cost by way of demand draft with the Registrar General of this Court, on an application of the respondent-wife, the District Magistrate, Etawah shall recover the same as an arrears of land revenue within a period of three months on expiry of the time granted to the petitioner.

37.1 Immediately after receipt of a copy of this order, the District Magistrate, Etawah shall forward a copy of this order to the concerned Sub-Registrar in whose jurisdiction, the petitioner's properties are situated. The Sub-Registrar shall ensure that no third party interest shall be created by the petitioner-husband and no sale transaction shall be permitted from today till the recovery of cost.

37.2 The District Magistrate, Etawah shall also constitute a committee to inquire into the movable and immovable assets owned and possessed by the petitioner immediately after receipt of a copy of this order, for record and compliance of the terms of this order.

38. The Registrar (Compliance) is directed to transmit forthwith a copy of this order to **(i)** the learned Principal Judge, Family Courts,

Prayagraj & Etawah, **(ii)** District Magistrate, Etawah, and **(iii)** S.S.P. Prayagraj for providing security, if necessary, to enable the respondent wife to appear before the learned Family Court.

39. The learned Registrar General of this Court shall ensure that the entire record pertaining to this case be scanned and kept for future reference.

April 23, 2026
Anil K. Sharma

(Vinod Diwakar, J.)