



2026:AHC-LKO:65964

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL REVISION No. - 254 of 2019

Smt. Suneeta

.....Revisionist(s)

Versus

State Of U.P. And Anr.

.....Opposite
Party(s)

Counsel for Revisionist(s) : Kanhaiya Lal, Ajay Kumar, Saddam Khan, Shankar Lal Pandey

Counsel for Opposite Party(s) : Govt. Advocate, Gaurav Pandey, Manmohan Singh, Sandeep Kumar Ojha

Reserved on 19.06.2026

Delivered on 18.09.2026

Court No. - 31

HON'BLE RAM MANOHAR NARAYAN MISHRA, J.

1. Instant criminal revision under Section 19(4) of Family Courts Act, 1984 has been preferred by the original applicant against the order dated 22.12.2018 passed by learned Principal Judge, Family Court, Sultanpur in Maintenance Case No. 1304 of 2014 "Smt. Suneeta and another versus Rajesh Kumar Yadav" under Section 125 CrPC, whereby the Family Court has rejected the maintenance claim petition filed by the revisionist.

2. Heard Shri Shankar Lal Pandey, learned counsel for the revisionist, learned A.G.A. appearing for the State, learned counsel for the respondent/ opposite party no.2 and perused the record.

3. The factual matrix of the case in brief relevant for present revision are that the revisionist filed a maintenance claim petition under Section 125 CrPC initially before the court of ACJM, Court No. 19, Sultanpur which was registered as Criminal Case No. 352 of 2009, Smt. Suneeta and another versus Rajesh Kumar Yadav. The revisionist in application under Section 125 CrPC has stated that her marriage was solemnized with the opposite party in her childhood according to Hindu rites and rituals at her parental place and she was sent off to her matrimonial home in *gauna* ceremony after 9 years of her marriage. Her husband/ opposite party got a job in EME Corps of Indian Army after *gauna* ceremony. He remained

outside his home in connection with his job and training and when he came back to home after training, he remained with the applicant happily for some time and then went back to his army job. In the meanwhile, the applicant gave birth to a girl child out of her wedlock with the opposite party.

4. In 2007, when he came to his home, he started harassing and torturing the applicant alongwith his parents and brother Brijesh. The opposite party and his family members started demanding Rs.1,00,000/- cash and a Hero Honda motorcycle and a color TV as an additional dowry and threatened her not to keep her with them if their demand of dowry is not fulfilled. In the night of 12.02.2007, these people attempted to set her ablaze but on hearing her cries the neighbors reached there and saved her. She filed a complaint later to S.P. Sultanpur and SHO concerned regarding this incident.

5. In 2008, when her husband came back from Bangalore, he again started assaulting her and stated that he has solemnized second marriage with a girl. He even brought that girl to his parental place and when she objected to this he gave her beatings and left her to her parental place. He even took his second wife at the parental place of the applicant and claimed her as his wife and stated that he had no concern either with the applicant or her child. He even refused to maintain her. She informed this incident to her father, who works as a gardener in the Base Hospital, Cantt. Her father visited opposite party alongwith some relatives and tried to make him understand but he refused to keep the applicant and her child with him.

6. The applicant moved an application in October 2008 before the Army Wives Welfare Association from where notice was issued to opposite party but even then he did not get ready to maintain his wife and child. He was posted at that time as Naik/ Driver in EME Corps of Army and receiving Rs.18,000/- monthly salary. He also earned Rs.5,000/- from his agricultural land and thus his monthly income was Rs.23,000/-.

7. Notice was issued by learned Magistrate to opposite party, who appeared and filed his written statement on 10.05.2010, wherein he stated

that he admitted the factum of marriage and *gauna* with the applicant but impressed that the applicant herself deserted him as she was not inclined to live with him at his parental home. He stated that on many times he visited the parental home of the applicant but they postponed her *vidai* on some or other pretext and thereafter she moved an application before the SHO concerned on false facts. A compromise was entered before the SHO concerned on 16.02.2007 in which the applicant undertook that she would not go out of his parental home without permission of her husband. She signed the compromise but even then she did not come back to her matrimonial home. The opposite party has always been prepared to keep the applicant with him and maintain her as he is not in a position to keep her at his place of posting in Army due to non-allotment of family quarter. In fact, the applicant herself is not ready to live with the opposite party and due to which the opposite party was compelled to file an application under Section 9 of Hindu Marriage Act for restitution of conjugal rights before the competent court which is pending. All the allegations of demand of dowry, harassment and torture against the opposite party are false and concocted.

8. Subsequently, the case was transferred to Family Court when the Family Court in District Sultanpur got functional and the case was re-allotted new number as Criminal Case No. 1304 of 2014, whereas its initial registration number in Magistrate Court was Criminal Case No. 352 of 2009.

9. Learned Family Court in judgment and order under challenge in present revision has not framed formal issues in the light of pleadings of the parties. However, on the basis of pleadings and evidence on record, learned trial court has observed that this is an admitted fact that the applicant no.1 is legally wedded wife of opposite party. The opposite party has stated that the applicant no.1 earns Rs.15,000/- per month by engaging in work, task of teaching, weaving, stitching, embroidery and selling of milk, but the opposite party could not elaborate as to where she performs stitching and embroidery and how some milch animals are raised by the applicant due to which she is engaged in business of selling of milk. Thus, this fact is not proved that the applicant no.1 able to maintain herself. Opposite party has stated that 15% of his salary is

deducted towards maintenance of applicant no.1 and her son. Applicant no.1 has also admitted this fact that she receives 15% salary of opposite party on monthly basis. She had filed an application before Army Wife Welfare Association and the Association had considered her application dated 27.06.2011 and provided maintenance for her child. Whereas the opposite party has stated that 15% of his salary is jointly deducted and paid to applicant no.1 and her son for their maintenance. Opposite party has filed a certificate issued by the Lieutenant Colonel of army, from perusal of which it appears that 15% of salary of opposite party is being provided to applicant no.1 for maintenance of herself and her son since 07.10.2008. Applicant no.1 admits 15% of salary of her husband towards maintenance being paid to her but she states that this amount is being paid to her for maintenance of her child.

10. The learned Family Court placed reliance on stand of opposite party that the 15% of amount of his salary is being deducted towards maintenance of applicant no.1 and her child. There is inconsistency between the pleadings and evidence of applicant no.1 in regard to demand of dowry and the allegations of matrimonial cruelty alleged jointly practiced against her by opposite party. She has not filed any copy of compromise, whereas opposite party has filed a copy of compromise 14kha/18 from which it is obvious that the facts mentioned in her application filed at police station are wrong. She has also not filed a copy of her application for lodging of FIR submitted at police station. She has also not moved a copy of application filed by her before Army Wife Welfare Association due to which it is not clear that on which facts she moved the application. She has not filed any documentary proof by which it could be made clear that the opposite party has solemnized second marriage or he has kept some women as wife. None of the witnesses produced by her have specified the name of said girl. Thus, for want of sufficient and reasonable reasons for living separately from her husband on the date of filing of application under Section 125 CrPC, she failed to prove a reasonable cause to live separately at her paternal place. With aforesaid findings and observations learned Family Court dismissed the application under Section 125 CrPC.

11. From perusal of record, it is admitted fact that marriage of the

revisionist was solemnized with respondent no.2 in tender age at her parental place and she was sent to her matrimonial home after nine years of marriage on *gauna* ceremony. After one year of performance of *gauna* ceremony, her husband got a job in Indian Army and he went to obtain training and thereafter, were posted in Bangalore. Due to some matrimonial discord, the respondent left her matrimonial home sometime in the year 2008 and filed an application before the Army Wife Welfare Association in New Delhi dated 15.01.2009, stating therein harassment by her husband and for providing maintenance to her and her minor child. She has filed a copy of said application alongwith affidavit as Annexure No.4, in which she has stated that she was married with Rajesh Kumar Yadav 15 years ago and out of her wedlock with him, a son was born who is six years old. She is being subjected to cruelty and torture by her husband and in-laws regarding which she has filed complaints before the police authorities and thereafter he has agreed to keep her with him peacefully but now she came to know that he has established illicit relations with another woman which is shocking for her. Therefore, as per army rules, maintenance be provided to her and her minor child. On said application, the Captain/ Record Officer informed her by a letter dated 02.03.2009 that maintenance allowance is not admissible to the family of serving soldier who deserts her husband and denied to live with him in your interest. It was advised to cooperate with your husband and start living with him in his unit location for proper education to her children as well as avoid stress to her husband. Colonel S.K. Srivastava vide letter dated 12.07.2011 addressed to the applicant no.1 informed that in exercise of powers conferred under Section 91(1) read with Army Rules 193 and Army Order dated 2/2001, competent officer has accorded sanction for the deduction of maintenance allowance @ 15% per month from pay and allowances of Naik/ Driver Rajesh Kumar of 292 Armed Workshop and its payment to Master Ayush, son of Smt. Suneeta Devi for his maintenance, commencing from the date of lady's application i.e. 07.10.2008. The deduction of maintenance allowance given in any month will not exceed 50% of the pay and allowances of the individual. Maintenance to Master Ayush will continue till he attains the age of majority. The amount will be remitted at the expense of individual (opposite party) directly to Smt. Suneeta Devi, his wife.

12. In letter dated 22.12.2012, Major/ Senior Record Officer has intimated the applicant no.1 regarding 16 installments of maintenance amount between September 2011 to September 2012, which were remitted by his office on the new address given by her. However, acknowledgement for the same have not been received according to applicant no.1. She had not received the amounts remitted to her, which are shown in the chart whereas the stand of the opposite party is that said amount was deducted from his salary and sent by the office to her new address. But she failed to give acknowledgement for the same. The revisionist has filed her bank statement from 29.07.2013 to 02.09.2015, which shows credit of amount of maintenance on monthly basis but due to non-filing of bank statements for period September 2011 to September 2011, it cannot be held with certainty that whether she received said 16 installments of maintenance or not.

13. The main plank of contention of the revisionist's counsel is that her prayer for maintenance was rejected by army authorities and an amount of 15% of the salary of opposite party no.2 was being paid towards maintenance of her son and, therefore, the Family Court has rejected her claim for maintenance on a non-existent ground that she had received maintenance from army authorities. The revisionist has filed the rejoinder affidavit annexing therewith the letter dated 19.01.2019 sent to her by the Lieutenant Colonel/ Senior Record Officer, stating that the maintenance allowance has been stopped w.e.f. 01.01.2019 as the opposite party no.2 has been discharged from service w.e.f. 31.12.2018. On 27.05.2019, Senior Record Officer of OIC records had sent a letter to the revisionist stating that as per policy, the maintenance allowance cannot be granted by the army from pension of any individual. Hence, she was advised to approach the civil court for grant of maintenance allowance/ financial assistance from her husband.

14. This Court passed an interim order on 27.01.2019 in present revision that as an interim measure, it is provided that the opposite party no.2 will start paying an amount, which was being paid under the order dated 12.07.2011 till 31.12.2018 and regarding which he himself has stated in his counter affidavit that this amount was being paid regularly to the revisionist on monthly basis. He is also directed to pay the entire amount

of arrears of maintenance payable w.e.f. 01.01.2019 till date within a period of six weeks. Later on, matter was referred to High Court Mediation Center but no agreement could be reached between the parties and mediation failed.

15. The opposite party has stated in his counter affidavit dated 29.05.2019 that the officer commanding of opposite party no.2 sent the amount of maintenance deducted from his salary to the revisionist by way of money order and later credited in her bank account, but she willfully did not give the acknowledgement to the officer concerned and, therefore, said letter dated 22.12.2012 was sent to her. In another letter, a certificate issued by the Lieutenant Colonel/ Officer Commanding dated 16.08.2018 has been filed with the counter affidavit which discloses that a sum of Rs.6794/- has been paid by Havildar Driver, Rajesh Kumar to Smt. Suneeta Devi and Master Ayush every month as maintenance allowance since year 2008. Thus, from various letters issued by army officers, there are contradictory statements as to whether a monthly deduction of 15% of salary of the opposite party no.2 was made and remitted to revisionist no.1 for maintenance of her minor child or for both the mother and son.

16. In letter dated 22.09.2012 addressed to District Court, the Major Ajit for CO has certified that Rs.10248/-, Rs.11014/-, Rs.11014/- was sent to Smt. Suneeta Devi as monthly maintenance allowance through money order by EME records at her given address for a period April, May, July and August 2012.

17. In supplementary affidavit, opposite party no.2 has filed details of family members which has been filed on 31.12.2018 before his superior officer in which Neelam Yadav is shown as his wife and Ayush as his son alongwith her parents. The son of the revisionist must have attained majority at present as in the year 2010 his age is shown as seven and a half years. Maintenance application was filed on 30.09.2009. The opposite party no.2 had filed a divorce suit under Section 13 of the Hindu Marriage Act, which was ex-parte decreed on 25.09.2014. It appears that after he remarried a lady, Neelam Yadav and this is the case of the revisionist that the opposite party was engaged with another woman since the year 2007. In said ex-parte decree of divorce was filed by the opposite

party no.2, the petitioner, Rajesh Kumar Yadav, in which has taken ground of desertion in said suit against the revisionist, which was accepted by the learned Family Court and it decreed the suit for divorce ex-parte. DW-2 Brijesh Kumar, who is the brother of opposite party no.2 has also stated that the opposite party no.2 has a second wife, whose name is Neelam thus, it appears that he has solemnized his second marriage and got her name recorded as wife in his service records.

18. Reliance has been played by opposite party no.2 on a judgment of Madras High Court in **C.R.P. (MD) No.2385 of 2018 "Maheswari versus Ayyappan @ Kumar"** under article 227 of the Constitution of India in which it is observed as under:-

"4. The learned counsel for the petitioner would fairly concede the factum of second marriage of the respondent / husband, after the exparte decree. However, he would submit that since the petitioner is having daughter, and that she is willing to live with the petitioner, prayed this Court to condone the delay.

5. I have given my anxious consideration to the either side submission.

6. From the perusal of the records, it is an admitted fact that the respondent / husband has re-married, after the statutory period for setting aside the exparte decree. It is relevant to refer Section 15 of the Hindu Marriage Act. The same is as follows:-

“ Section 15. Divorced persons when may marry again:-

When a marriage has been dissolved by a decree of divorce and either there is no right of appeal against the decree or, if there is such a right of appeal, the time for appealing has expired without an appeal having been presented, or an appeal has been presented but has been <https://www.mhc.tn.gov.in/judis> dismissed, it shall be lawful for either party to the marriage to marry again.”

7. As per Section 15 of the Hindu Marriage Act, 1955, it shall be lawful for either party to re-marry, if no appeal has been filed within a statutory period. In this case, though exparte decree was passed on 21.10.2016, the

petitioner did not think it fit to file an application to set aside the exparte decree. In the meanwhile, the respondent / husband has married one Shanmugavadivu. Eventually, now, third party right has also involved in this matter. This Court is of the firm view that the conduct of the petitioner has conferred valuable right upon the respondent, and such valuable right of remarriage cannot be lightly dealt under Section 5 of the Limitation Act.

8. The learned counsel for the respondent also relied upon the judgment of the High Court of Delhi made in MAT.APP(F.C.) No.189 of 2022, (Seema Devi V. Shree Ranjit Kumar Bhagat). Wherein it has been held that, it is lawful for the ex-spouse to re-marry, when there is a delay in filing the appeal, and it would further held that the appeal becomes infructuous from the inception. The relevant portion of the judgment <https://www.mhc.tn.gov.in/judis> reads as follows:-

“30. The provision of Section 15 of the Act has been subject matter of a recent decision of the Supreme Court in Krishnaveni Rai v. Pankaj Rai and Signature Not Verified Digitally Signed ASWAL Signing Date:21.04.2023 14:58:35 N.C. No. 2023:DHC:2686-DB Anr., (2020) 11 SCC 253. In that case the ex-husband of appellant wife remarried as no appeal was filed within period of limitation. The appeal was preferred by the appellant wife almost one year after the expiry of period of limitation. In this factual backdrop, the Supreme Court held that bar of Section 15 was not attracted, it was lawful for the ex- husband to remarry and the appeal was infructuous from the inception. The relevant extract of the judgment reads as under:

"28. Section 15 clarifies that when a marriage has been dissolved by a decree of divorce, and there is no right of appeal against the decree, or if there is such a right of appeal, the time for appealing has expired without an appeal having been preferred, or an appeal has been presented but the same has been dismissed, it shall be lawful for either party to the marriage to marry again. Had it been the

legislative intent that a marriage during the pendency of an appeal should be declared void, Section 11 would expressly have provided so.

29. As held by this Court in *Anurag Mittal v. Shaily Mishra Mittal* [*Anurag Mittal v. Shaily Mishra Mittal*, (2018) 9 SCC 691 : (2018) 4 SCC (Civ) 550] , the object of Section 15 is to provide protection to the person who had filed an appeal against the decree of dissolution of marriage and to ensure that such appeal was not frustrated. The protection afforded by Section 15 is primarily to a person contesting the decree of divorce. As observed by Bobde, J. in his concurring judgment in *Anurag Mittal* [*Anurag Mittal v. Shaily Mishra Mittal*, (2018) 9 SCC 691 : (2018) 4 SCC (Civ) 550] : (SCC pp. 702-703, paras 31 & 33) "I am in agreement with the view taken by Nageswara Rao, J. but it is necessary to state how the question before us has already been settled by the decision in *Lila Gupta v. Laxmi Narain* [*Lila Gupta v. Laxmi Narain*, (1978) 3 SCC 258] . Even when the words of the proviso were found to be prohibitory in clear negative terms- - "it shall not be lawful", etc., this Court held that the incapacity to marry imposed by the proviso did not lead to an inference of nullity, vide para 9 of *Lila Gupta* [*Lila Gupta v. Laxmi Narain*, (1978) 3 SCC 258] . It is all the more difficult to infer nullity when there is no prohibition; where there are no negative words but on the other hand positive words like "it shall be lawful". Assuming that a marriage contracted before it became lawful to do so was unlawful and the words create a disability, it is not possible to infer a nullity or voidness vide paras 9 and 10 of *Lila Gupta* case [*Lila Gupta v. Laxmi Narain*, (1978) 3 SCC 258]

33. What is held in essence is that if a provision of law

prescribes an incapacity to marry and yet the person marries while under that incapacity, the marriage would not be void in the absence of an express provision that declares nullity. Quae incapacity imposed by statute, there is no difference between an incapacity imposed by negative language such as "it shall not be lawful" or an incapacity imposed by positive language like "it shall be lawful (in certain conditions, in the absence of which it is impliedly unlawful)". It would thus appear that the law is already settled by this Court that a marriage contracted during a prescribed period will not be void because it was contracted under an incapacity. Obviously, this would have no bearing on the other conditions of a valid marriage. The decision in Lila Gupta case [Lila Gupta v. Laxmi Narain, (1978) 3 SCC 258] thus covers the present case on law."

(Emphasis supplied by this Court)"

19. Therefore, the law is very clear on this aspect that a divorced woman is also entitled to maintenance until she gets remarried or she is capable to maintain herself by her own earning, if there is no legal embargo.

20. The Hon'ble Supreme Court in **Rohtash Singh versus Smt. Ramendri and others, AIR 2000 SC 952** considered the issue of payment of maintenance to a divorced wife against whom decree of divorce was passed on suit of the husband on the ground of desertion. During the pendency of the suit for divorce, the respondent had filed an application for maintenance under Section 125 of the Code of Criminal Procedure, which was allowed by the Family Court, Meerut, in spite of the fact that the judgment by which a decree for divorce was passed in favour of the petitioner on the ground of respondent's desertion was brought to the notice of the Family Court. The Judgment passed by the Family Court was challenged by the petitioner in a revision before the High Court but the same was dismissed. It is against this judgment that the petitioner filed SLP before the Hon'ble Court. The Hon'ble Court observed that the wife is not entitled under Section 125 Cr.P.C. to any Maintenance Allowance from her husband if she is living in adultery or if she has refused to live with her husband without any sufficient reason or

if they are living separately by mutual consent. Thus, all the circumstances contemplated by Sub-section (4) of Section 125 Cr.P.C. presuppose the existence of matrimonial relations. The provision would be applicable where the marriage between the parties subsists and not where it has come to an end. Taking the three circumstances individually, it will be noticed that the first circumstance on account of which a wife is not entitled to claim Maintenance Allowance from her husband is that she is living in adultery. Now, adultery is the sexual intercourse of two persons, either of whom is married to a third person. The second ground on which she would not be entitled to Maintenance Allowance is the ground of her refusal to live with her husband without any sufficient reason. This also presupposes the subsistence of marital relations between the parties. If the marriage subsists, the wife is under a legal and moral obligation to live with her husband and to fulfill the marital obligations. She cannot, without any sufficient reason, refuse to live with her husband. "Sufficient reasons" have been interpreted differently by the High Courts having regard to the facts of individual cases. We are not required to go into that question in the present case as admittedly the marriage between the parties came to an end on account of a decree for divorce having been passed by the Family Court. Existence of sufficient cause on the basis of which the respondent could legitimately refuse to live with the petitioner is not relevant for the present case. In this situation, the only question which survives for consideration is whether a wife against whom a decree for divorce has been passed on account of her deserting the husband can claim Maintenance Allowance under Section 125 Cr. P.C. and how far can the plea of desertion be treated to be an effective plea in support of the husband's refusal to pay her the Maintenance Allowance.

21. Though the marital relations came to an end by the divorce granted by the Family Court under Section 13 of the Hindu Marriage Act, the respondent continues to be "wife" within the meaning of Section 125 Cr.P.C. on account of Explanation (b) to Sub-section (1).

22. On account of Explanation quoted above, a woman who has been divorced by her husband on account of a decree passed by the Family Court, continues to enjoy status of a wife for the limited purpose of having maintenance allowance from her ex-husband. Hon'ble Court

finally held that claim for maintenance under the first part of Section 125 CrPC is based on subsistence of marriage, while claim for maintenance of a divorced wife is based on the foundation provided by explanation B to sub-section one of section 125 CrPC. If the divorced wife is unable to maintain herself and if she has not remarried, she will be entitled to maintenance allowance. The Hon'ble Court placed reliance on a judgment of Calcutta High Court in **Shiv Kumar Dheer versus Anjali Rani, 1983 CRLJ 36**, wherein it was held that where the husband had obtained divorce on the ground of desertion by wife, she was held entitled to maintenance allowance as a divorced wife under Section 125 CrPC and the fact that she had deserted her husband and on that basis, a decree of divorce was passed against her, was not treated as a bar to her claim for maintenance as a divorced wife.

23. The Hon'ble Court in aforesaid case accepted the contention of learned counsel for the petitioner that since the decree of divorce was passed on the ground of desertion by respondent, she would not be entitled to Maintenance for any period prior to the passing of the decree under Section 13 of the Hindu Marriage Act.

24. In view of above legal position settled by the Hon'ble Supreme Court and taking into consideration the evidence adduced by the parties before the Family Court, the impugned order passed by learned Family Court by which the claim for maintenance set up by the applicant/ revisionist has been rejected in toto cannot be sustained as the same is vitiated by legal and factual error and the impugned order is liable to be set aside. Even if on the basis of contention of opposite party no.2 and on account of grant of a decree of divorce by a Family Court against the revisionist on the ground of desertion, by order dated 25.09.2014, the revisionist is not found to be entitled for maintenance of herself, yet she is entitled to seek maintenance from her husband after divorce which has been effective since 25.09.2014. Apart from that, her minor son, Ayush, is also entitled to maintenance till his attainment of majority, as Ayush has been provided maintenance from opposite party no.2 through army authorities between 07.10.2008 to 31.12.2018 and thereafter opposite party no.2 was discharged his service, he will not be entitled to any maintenance during the period he received maintenance from army authorities which was

credited to the account of the revisionist. No independent income of the revisionist has been proved on record. Thus, the finding of learned trial court that she is not able to maintain herself is correct and need not be interfered. Thus, the revisionist is entitled to seek maintenance for her son from the date of filing of maintenance petition till the attainment of his age of majority by barring the period during which he has received maintenance from opposite party no.2 through army authorities either through money order or through account transaction. The revisionist is entitled to receive maintenance from her husband from the date of divorce i.e. 25.09.2014 onwards during her life till she gets remarried. The parties shall file affidavit of disclosure of their assets, income and liabilities before the Family Court on beginning of rehearing of maintenance application in compliance of the directions of the Hon'ble Supreme Court in **Rajnesh versus Neha, (2021) 2 SCC 324**.

25. Consequently, the impugned order passed by learned Family Court is **set aside** and matter is remitted to the court concerned for decision afresh on maintenance petition of the revisionist in the light of the observations made here-in-above, as expeditiously as possible and preferably within a period of six months from the date of production of certified copy of this order. The Family Court will permit the parties to lead further evidence in support of their respective stand orally or documentary, if it considers the same necessary for just decision of the case or on application of the parties. During pendency of maintenance case before the Family Court in terms of the judgment of this Court, the opposite party no.2 will pay Rs.4,000/- monthly maintenance to the applicant no.1 as interim maintenance. If the maintenance petition succeeds, any amount paid by the opposite party no.2 to the revisionist in compliance of interim order of this Court dated 14.03.2022, shall be set off against arrear of maintenance awarded to the revisionist.

26. The revision is **allowed** subject to aforesaid observations.

(Ram Manohar Narayan Mishra,J.)

September 18, 2026
Mohd. Sharif