RAJASTHAN HIGH COURT
सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Revision Petition No. 29/2025
CNR: RJHC010948732024 | URN: CRLR / 48U / 2025

Rajasthan High Court
सत्यमेव जयते
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----Petitioner

Versus

----Respondent

Connected With

S.B. Criminal Revision Petition No. 1525/2024
CNR: RJHC010941702024 | URN: CRLR / 3600U / 2024

----Petitioner

Versus

----Respondent

For Petitioner(s)	:	Mr. Ashok Kumar Godara
For Respondent(s)	:	Mr. Ramawatar Singh Mr. JK Suthar

HON'BLE MR. JUSTICE FARJAND ALI

Order

DATE OF CONCLUSION OF ARGUMENTS	**:**	**29/10/2026**
DATE ON WHICH ORDER IS RESERVED	**:**	**29/10/2026**
FULL ORDER OR OPERATIVE PART	**:**	**Full Order**
DATE OF PRONOUNCEMENT	**:**	**18/11/2026**

BY THE COURT:-

1. The S.B. Criminal Revision Petition No. 29/2025 has been preferred by the husband assailing the order dated 19.11.2024

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RAJASTHAN HIGH COURT

passed by the learned Family Court No. 1, Sriganganagar, in Criminal Misc. Case No. 213/2021, whereby the application for maintenance preferred by the wife under Section 125 of the Cr.P.C. was allowed and the husband was directed to pay a sum of Rs.15,000/- per month to the wife towards maintenance.

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1.1 The S.B. Criminal Revision Petition No. 1525/2024 has been preferred by the wife assailing the very same order dated 19.11.2024 passed by the learned Family Court No. 1, Sriganganagar, in Criminal Misc. Case No. 213/2021, to the extent that the learned Family Court, while allowing her application under Section 125 of the Cr.P.C., awarded maintenance at the rate of Rs.15,000/- per month only, contending that the amount so awarded is inadequate and warrants enhancement.

2. The concise facts of the case, as averred in the application, are that the wife instituted an application under Section 125 Cr.P.C. before the learned Family Court No. 1, Sri Ganganagar, seeking maintenance from her husband, alleging that she was subjected to physical and mental cruelty on account of persistent demands for dowry and was ultimately ousted from her matrimonial home. It was further alleged that the husband is engaged in furniture manufacturing and other commercial activities and earns more than Rs.30 lakh annually, whereas the husband denied the allegations and contended that the wife is well-qualified and capable of earning her livelihood. Upon consideration of the pleadings and evidence led by both parties, the learned Family Court, vide order dated 19.11.2024, allowed the application and directed the husband to pay maintenance of Rs.15,000/- per month to the wife from the date of filing of the

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application. Aggrieved by the quantum of maintenance so awarded, the wife has preferred the revision petition seeking enhancement thereof and husband also preferred a revision against the maintenance amount awarded by the Court below.

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3. Learned counsel for the husband submitted that the learned Family Court has erred in awarding maintenance despite the fact that the wife had voluntarily left the matrimonial home without any reasonable cause and, therefore, was not entitled to maintenance under Section 125 Cr.P.C. It was further contended that the wife is a highly educated postgraduate, previously employed as a teacher and capable of earning her livelihood, whereas the husband's monthly income does not exceed Rs.6,000/-. Accordingly, it was urged that the impugned order awarding maintenance of Rs.15,000/- per month is contrary to the evidence on record and deserves to be set aside.

4. Learned counsel for the wife submitted that the learned Family Court has failed to properly appreciate the oral as well as documentary evidence establishing that the husband is engaged in furniture manufacturing and other commercial activities and earns a substantial income, which has also been borne out from his own admissions in cross-examination. It was further contended that the wife has no independent source of income and the mere fact that she is educated cannot be a ground to deny her adequate maintenance commensurate with the income, financial status and standard of living of the parties. Accordingly, it was urged that the maintenance of Rs.15,000/- per month awarded by the learned Family Court is grossly inadequate and deserves to be enhanced.

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5. Heard learned counsels appearing on behalf of the parties and perused the material available on record.

6. Having bestowed anxious consideration upon the rival submissions advanced by learned counsel for the parties and upon a careful scrutiny of the material available on record, this Court finds no ground warranting interference with the order passed by the learned Family Court. The mere fact that the wife is an educated woman, holding a postgraduate degree, would not, by itself, absolve the husband of his statutory obligation to maintain her. Educational qualification and actual financial independence are two distinct considerations. The law does not expect a wife to sustain herself merely on the strength of her academic qualifications, particularly when she has no established independent source of income sufficient to maintain herself. The obligation to maintain the wife cannot be defeated by a mere assertion that she is capable of earning.

7. Equally, the contention of the husband that the wife voluntarily left the matrimonial home does not, in the facts and circumstances of the present case, furnish a sufficient ground to dislodge the findings recorded by the learned Family Court. The material on record has been duly considered by the learned Court below, and this Court does not find any perversity, illegality or manifest error in its appreciation so as to warrant interference in revisional jurisdiction.

8. Coming to the revision petition preferred by the wife seeking enhancement of maintenance, this Court is of the considered opinion that the amount of Rs.15,000/- per month awarded by the learned Family Court strikes a reasonable balance between the

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financial capacity of the husband and the legitimate requirements of the wife. No doubt, the wife is entitled to live with dignity and in a manner reasonably commensurate with the social and financial status of the matrimonial household; however, the determination of maintenance cannot be governed by mere assertions or unsubstantiated estimates of income. The amount awarded, upon an overall consideration of the material available on record, does not appear to be either grossly inadequate or disproportionate so as to call for enhancement. This Court is, therefore, not inclined to further enhance the amount of maintenance.

9. It is trite that revisional jurisdiction is not meant to substitute a plausible and well-reasoned determination merely because another view may also be possible. The impugned order, upon an overall consideration, does not suffer from any such illegality, perversity or material irregularity which may warrant interference by this Court. The award of maintenance at the rate of Rs.15,000/- per month is found to be just, reasonable and calls for no modification in either direction.

10. Accordingly, both the revision petitions, one preferred by the husband and the other by the wife, being devoid of merit, are hereby dismissed. The order dated 19.11.2024 passed by the learned Family Court No.1, Sriganganagar, is affirmed.

11. All pending applications, if any, also stand disposed of.

12. Record be sent back.

(FARJAND ALI),J

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