



2025:AHC:221884

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 1862 of 2025

Farha Naz

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Revisionist(s) : Ashish Dwivedi

Counsel for Opposite Party(s) : Abhinab Mishra, Anupam
Tripathi, G.A.

Court No. - 90

HON'BLE HARVIR SINGH, J.

1. Heard learned counsel for the revisionist, learned counsel for the opposite party no. 2 and perused the record.

2. The instant revision has been filed against the order dated 10.3.2025 passed by learned Additional Principal Judge, Family Court, No. 2, Bareilly, by which the prayer for maintenance has been rejected.

3. Learned counsel for the revisionist has submitted that the learned Additional Principal Judge, Family Court, Bareilly has dismissed the application for maintenance, solely on the ground that the revisionist is a YouTuber and is earning through her Reels. However, as to how much income is being generated and earned by the revisionist is not clear. The income has not been quantified and merely on an presumption, that the revisionist is earning some money through preparing the reels, is not sufficient. Moreover, the learned counsel for the revisionist submitted that the revisionist did not make any averment in the petition, that she is not capable of earning her livelihood and has no sufficient source of income, whereas the opposite party no. 2 is working as Class III employee in Nagar Palika at Bareilly and he is a regular employee and has a fixed

income, therefore the opposite party no. 2 is duty bound to take care of his wife, even if there is a matrimonial discord between the parties and prayed that the order dated 10.3.2025 is liable to be quashed and set aside.

4. Per contra, learned counsel appearing on behalf of the opposite party no. 2 has submitted that the revisionist is a qualified person and is capable of earning and managing sufficient resources, as she is herself engaged in the business of making Reels on YouTube and she is a YouTuber and in that event, the revisionist is self employed, the opposite party no. 2 cannot be directed to pay any amount of maintenance and submitted that the order dated 10.3.2025 has been passed in accordance with law and calls for no interference by this Court.

5. Having considered the rival contentions and perusal of the order dated 10.3.2025, it reveals that the learned Additional Principal Judge, Family Court has arrived at the finding that the revisionist is a self employed person and she is capable of supporting herself. However, the learned Additional Principal Judge, Family Court got misplaced with regard to the quantum of income, which ought to have been shown and placed on record before the Court as held by Hon'ble Supreme Court in the case of *Rajnesh vs. Neha*, AIR 2021 Supreme Court 569, AIR ONLINE 2020 SC 915. Unless and until, the total income of both the parties, i.e. the revisionist and the opposite party no. 2, such as ITR, pay slips etc. or any other document supporting the income to either of the parties, is placed on record, only then a correct assessment can be made and thereafter an appropriate order can be passed with regard to maintenance.

6. Under the circumstances, the order dated 10.3.2025 passed by Additional Principal Judge, Family Court, Bareilly is liable to be set aside. Since the details of the income have not been fully assessed and only a reference to income of the opposite party no. 2 that the opposite party no. 2 is working in Nagar Palika, Bareilly has been considered and the income of the

revisionist has not yet been quantified.

7. In view of the above, the revision is **allowed**. The order order dated 10.3.2025 passed by learned Additional Principal Judge, Family Court, No. 2, Bareilly is hereby set aside.

8. The matter is remitted back to the concerned family court, with a direction that the family court shall pass a fresh order in accordance with law.

December 9, 2025
Faridul

(Harvir Singh,J.)