2026 INSC 896

REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2026
(ARISING OUT OF SLP (CRIMINAL) No.9661 of 2026)

SUJATA KUMARI & ORS. ...APPELLANT(S)

VERSUS

RAHUL KUMAR & ANR. ...RESPONDENT(S)

J U D G M E N T

VIKRAM NATH, J.

1. Leave granted.

2. The present appeal arises out of the impugned order dated 9th February 2026, passed by the High Court of Judicature at Allahabad in Criminal Revision No.10 of 2025. The appellants herein are the wife and two minor daughters, aged about 9 and 8 years. The first respondent is the husband.

3. The facts giving rise to the present appeal are as follows:

   3.1. The marriage between the appellant-wife and the respondent-husband was solemnised on 18th June 2006.

   3.2. During the subsistence of the marriage, two daughters were born to the parties. The

Signature Not Verified
Digitally signed by SHIPRA NARANG
Date: 2026.03.20 17:08:22 IST
Reason:

appellant-wife also gave birth to a son, who unfortunately passed away shortly thereafter.

3.3. Troubles arose in the marriage, and acrimony grew between the parties, leading to the appellants leaving the marital home.

3.4. In 2022, the appellants filed a petition, being Case No.355/2022, under Section 125 of the Code of Criminal Procedure, 1973 (hereinafter, "CrPC"), seeking maintenance of Rs.2,50,000/- (Rupees Two Lakhs, Fifty Thousand only) per month from the respondent-husband/father.

3.5. The appellant-wife is M.B.B.S., D.G.O. qualified and practises as a gynaecologist. She states that she earns Rs.1,50,000/- (Rupees One Lakh, Fifty Thousand only) per month working at a hospital in Greater Noida. The respondent-husband described himself as M.B.B.S., M.D. qualified and stated that he earns Rs.2,00,000/- (Rupees Two Lakhs only) per month working as a consultant paediatrician at a children's nursing home. The appellant-wife, however, contends that the respondent-husband owns his own nursing home.

3.6. The Family Court awarded interim maintenance vide order dated 21st October 2024. It granted interim maintenance only in respect of the two minor daughters, awarding Rs.30,000/- (Rupees Thirty Thousand only) per month to each of them during the pendency of the maintenance petition, and declined interim maintenance to the appellant-wife.

3.7. The respondent-husband filed a revision petition against the said order before the High Court.

3.8. The High Court, vide the impugned order, partly allowed the revision petition and reduced the interim maintenance from Rs.30,000/- (Rupees Thirty Thousand only) per month to Rs.15,000/- (Rupees Fifteen Thousand only) per month for each of the two daughters.

3.9. Aggrieved, the appellants are before us.

4. We have heard the learned counsel for the parties.

5. Learned counsel for the appellants submitted that the High Court erred in reducing the amount awarded by the Family Court, even while acknowledging the tender age of the children and their need for proper care and upbringing. It was

submitted that the expenses towards the education and upbringing of the two daughters are considerable and cannot be met from the income of the appellant-wife alone. It was further submitted that the respondent-husband in fact earns far in excess of Rs.2,00,000/- (Rupees Two Lakhs only) per month, and that the Family Court had rightly appreciated the material on record before arriving at the figure of Rs.30,000/- (Rupees Thirty Thousand only) per month for each daughter. Accordingly, it was urged that the impugned order be set aside.

6. Per contra, learned counsel for the respondent-husband supported the impugned order. It was submitted that the High Court was justified in holding that the responsibility of maintaining the daughters rests upon both parents, and that the appellant-wife, being herself gainfully employed as a gynaecologist earning Rs.1,50,000/- (Rupees One Lakh, Fifty Thousand only) per month, is equally placed to bear a share of the expenses. It was submitted that the amount awarded by the Family Court was excessive and that the order of the High Court calls for no interference.

7. The Family Court observed that both parties are earning sufficient income, and that the purpose of

interim maintenance is to protect a party from unemployment or an immediate inability to meet daily needs. It accordingly found no justification for granting interim maintenance to the appellant-wife. The Family Court, however, noted that the appellant-wife is bearing the expenses of the education and upbringing of the two daughters, that this responsibility lies upon both parents, and, having considered the details furnished by the appellant-wife regarding the educational and other expenses of the daughters, awarded Rs.30,000/- (Rupees Thirty Thousand only) per month to each daughter from the date of filing of the petition until they attain majority.

8. The High Court, while considering the revision petition, proceeded on the footing that a sum of Rs.60,000/- (Rupees Sixty Thousand only) per month would be sufficient for the maintenance of both the daughters. However, taking the view that this burden could not be fastened solely upon the respondent-husband, the High Court halved the award and reduced the interim maintenance to Rs.15,000/- (Rupees Fifteen Thousand only) per month for each of the two daughters.

9. We are unable to sustain the reasoning of the High Court. The impugned order gives no reason for

interfering with the order of the Family Court other than the fact that the appellant-wife is also earning. The High Court did not find the assessment of the Family Court to be perverse, nor did it find the sum of Rs.60,000/- (Rupees Sixty Thousand only) per month to be excessive. It in fact held that sum to be sufficient for the two daughters, having regard to the status of their parents. Nothing else was said by the High Court while modifying the Family Court's order.

10. That the appellant-wife earns is not, by itself, a reason to halve the father's liability. The obligation to maintain the children is shared by both parents, but it cannot be divided by arithmetic alone. The daughters live with the appellant-wife, who looks after their daily needs and upbringing while also working. Such care cannot be measured in money, but it is a real contribution, and often the greater one

11. Even if the wife's earnings are left out of account, the reduction cannot stand. The respondent-husband is a qualified doctor and on his own showing earns Rs.2,00,000/- (Rupees Two Lakhs only) per month. For two school-going daughters aged about nine and eight years, a sum of Rs.60,000/- (Rupees Sixty Thousand only) per

month is not a large amount for a father in his position. Their upbringing and education require as much.

12. The Family Court, on the other hand, correctly appreciated the status of the parties and the needs of the two minor daughters after considering the income affidavits and the expenses placed before it. We find the award of Rs.30,000/- (Rupees Thirty Thousand only) per month to each daughter, aggregating to Rs.60,000/- (Rupees Sixty Thousand only) per month by way of interim maintenance, to be just and reasonable, and calling for no interference in revision.

13. We may also note that the main petition under Section 125 of the CrPC, being Case No.355/2022, is still pending adjudication before the Family Court, and that the present proceedings concern only interim maintenance. For this reason as well, we find no ground to interfere with the quantum determined by the Family Court.

14. In view of the above, the impugned order dated 9th February 2026 passed by the High Court of Judicature at Allahabad in Criminal Revision No.10 of 2025 is set aside, and the order of the Family Court dated 21st October 2024 is restored. Arrears, if any, shall be paid by the respondent-

husband to the appellant-wife, within a period of three months from today.

15. The main application under Section 125 CrPC shall be decided on its own merits without being influenced by the findings recorded in the orders under challenge in the present petition.

16. The appeal is allowed in the aforesaid terms.

17. Pending applications, if any, shall stand disposed of.

.....J.
(VIKRAM NATH)

.....J.
(SANDEEP MEHTA)

NEW DELHI
AUGUST 20, 2026