RAJASTHAN HIGH COURT
सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Revision Petition No. 749/2026
CNR: RJHC010441972026 | URN: CRLR / 1613U / 2026

Rajasthan High Court
सत्यमेव जयते
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Shri Munnalal Bamniya S/o Late Shri Hajari Lal, Aged About 62 Years, R/o Plot No. 41 Lala Lajpath Rai Colony 5Th Chopasni Road Sardarpura Jodhpur Raj.

----Petitioner

Versus

Smt. Mohini Devi W/o Munnalal Bamniya, R/o Plot No. 134 Janta Colony Basni First Phase Jodhpur Raj.

----Respondent

For Petitioner(s)	:	None Present
For Respondent(s)	:	Mr. Tushar Majoka
Present-in-person	:	Ms. Mohini Devi

HON'BLE MR. JUSTICE FARJAND ALI

Order

REPORTABLE

DATE OF CONCLUSION OF ARGUMENTS	**:**	**27/10/2026**
DATE ON WHICH ORDER IS RESERVED	**:**	**27/10/2026**
FULL ORDER OR OPERATIVE PART	**:**	**Full Order**
DATE OF PRONOUNCEMENT	**:**	**18/11/2026**

BY THE COURT:-

1. The instant revision petition has been preferred by the petitioner assailing the order dated 13.03.2026 passed by the learned Family Court No. 2, Jodhpur, whereby the application preferred by the respondent under Section 127 of the Code of Criminal Procedure, 1973, seeking enhancement of maintenance, came to be allowed and the petitioner was directed to pay maintenance at the enhanced rate of Rs.9,000/- per month to the respondent.

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2. The brief facts of the case are that the marriage between the petitioner and the respondent was solemnized on 21.01.1979, out of which one daughter was born. The respondent was initially granted maintenance under Section 125 Cr.P.C., which was enhanced from time to time on successive applications under Section 127 Cr.P.C., and was lastly fixed at Rs.4,400/- per month. Thereafter, the respondent preferred the present application seeking further enhancement on the grounds of increased living expenses, illness and the petitioner's pension income. The learned Family Court, vide order dated 13.03.2026, allowed the application and enhanced the maintenance to Rs.9,000/- per month with effect from 27.05.2022, directed payment of arrears within two months and further ordered an automatic annual enhancement of 5% in the maintenance amount. Aggrieved by this, the petitioner preferred this writ petition.

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3. None present on behalf of the petitioner.

4. Learned counsel for the respondent submitted that the learned Family Court has rightly enhanced the maintenance amount, keeping in view the passage of time, the increased cost of living and the respondent's medical and day-to-day expenses. It was contended that the earlier maintenance amount of Rs.4,400/- had become wholly insufficient to meet the respondent's basic needs, particularly when the petitioner is receiving pensionary income. It was further submitted that the impugned order has been passed after due consideration of the material available on record and does not suffer from any illegality or perversity

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warranting interference by this Court. Accordingly, dismissal of the revision petition was prayed for.

5. Heard learned counsel appearing on behalf of the respondent and perused the material available on record.

6. A perusal of the record reveals that the dispute between the parties has a long chequered history. It appears that the parties have been residing separately since prior to the year 1985. Initially, upon an application preferred by the respondent under Section 125 Cr.P.C., maintenance to the tune of Rs.180/- per month was awarded in her favour and Rs.100/- per month in favour of their daughter. With the passage of time and upon successive applications for enhancement, the maintenance amount was enhanced to Rs.400/- each, thereafter to Rs.700/- each in the year 1998. Subsequently, the maintenance payable to the respondent was enhanced to Rs.3,000/- per month in the year 2010 and further to Rs.4,400/- per month with effect from 01.01.2016.

6.1 It is the case of the respondent that, with advancing age, her medical condition has deteriorated and she is suffering from severe anaemia, for which she is undergoing treatment at AIIMS Hospital. On the other hand, the petitioner had voluntarily retired from his services as Senior Engineer at the Space Applications Centre, Ahmedabad, and is receiving pensionary benefits. Significantly, as per his own admission, the petitioner was drawing pension to the tune of Rs.48,000/- per month. It is also borne out

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from the record that the petition seeking dissolution of marriage preferred by the petitioner did not meet with success.

7. Having considered the rival submissions and upon an overall appreciation of the facts and circumstances of the case, this Court finds that the enhancement of maintenance to Rs.9,000/- per month cannot be said to be excessive or unreasonable. The respondent is an aged lady, suffering from medical ailments and requiring regular medical attention. The maintenance amount of Rs.4,400/- was fixed way back in the year 2016. In the intervening period, the cost of essential commodities, medical facilities and other necessities of life has witnessed a considerable rise. As against this, the petitioner himself has admitted to receiving pension of Rs.48,000/- per month. Viewed in this backdrop, the enhanced amount of Rs.9,000/- per month appears to be just, fair and commensurate with the prevailing circumstances. Therefore, no interference with the quantum of maintenance awarded by the learned Family Court is warranted. However, this Court finds it appropriate to mould the relief to the extent that the enhanced maintenance of Rs.9,000/- per month shall be payable with effect from the date of passing of the impugned order, i.e., 13.03.2026, rather than from the date of filing of the application.

8. Before parting, this Court considers it necessary to deal with the direction issued by the learned Family Court for automatic enhancement of the maintenance amount by 5% every year. Though such a stipulation may appear to be a pragmatic measure

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to keep pace with the rising cost of living, the same cannot be sustained in the absence of any statutory sanction. Any alteration in the quantum of maintenance has to be founded upon a consideration of the relevant circumstances and in accordance with the procedure contemplated under law. An automatic annual escalation, without an adjudication of the changed circumstances and without affording the parties an opportunity of hearing, cannot be permitted to operate. Consequently, the direction providing for an automatic annual enhancement of 5% in the maintenance amount deserves to be set aside.

9. Accordingly, the instant criminal revision petition is partly allowed. The order dated 13.03.2026 passed by the learned Family Court is modified to the extent that:-

(i) The petitioner shall pay maintenance to the respondent at the rate of Rs.9,000/- per month with effect from 13.03.2026, i.e., the date of passing of the impugned order.

(ii) The direction providing for automatic annual enhancement of 5% in the maintenance amount is hereby set aside. The remaining part of the impugned order shall remain undisturbed.

10. The stay petition and all pending applications, if any, also stand disposed of.

(FARJAND ALI),J

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