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Lawyers At Initial Stage Of Practice In District Courts Struggle To Earn Sufficient Income: Allahabad High Court

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Observing that it is a matter of common knowledge that lawyers at the initial stage of practice in district courts struggle to earn sufficient income and often face severe financial hardship, the **Allahabad High Court** recently reduced the maintenance amount payable by a junior advocate to his estranged wife.

A Bench of **Justice Madan Pal Singh** modified the order of the **Family Court, Pilibhit**, noting that the previously awarded maintenance of Rs. 5K was 'excessive' given the "*uncertain and fluctuating income*" of the husband, who is a practising lawyer.

The bench was dealing with a criminal revision petition filed by the husband (Hiralal), challenging a May 16 order of the Family Court directing him to pay Rs 5,000 per month to his wife towards maintenance.

The revisionist submitted that he completed his LLB in 2016 and is currently practising under a senior counsel in the District Court while preparing for competitive examinations.

His counsel highlighted that he earns merely Rs 300-400 on some days and nothing on others, making it extremely difficult for him to meet even his basic livelihood expenses.

The counsel for the wife, on the other hand, opposed the plea and argued that the husband is earning a handsome income and owns significant land and rental properties.

Justice Singh noted that while the marriage was admitted, there was no documentary evidence to substantiate the wife's claims regarding the husband's stable income.

Instead, the Court took judicial notice of the financial reality of the legal profession. The Court observed thus:

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"It is a matter of common knowledge that most lawyers at the initial stage of practice in district courts struggle to earn sufficient income and often face severe financial hardship".

Noting that the husband's income was "uncertain and fluctuating", the Court stated that in the absence of proof of fixed income, the maintenance amount "must be reasonable and proportionate to the paying capacity of the husband."

Against this backdrop, the High Court was of the view that the lower court's award was not commensurate with the husband's actual financial status.

Consequently, the Court partly allowed the revision and reduced the monthly maintenance payable by the husband from Rs 5,000 to Rs 3,750, effective from the date of the application.

Case title - Sri Hiralal vs. State of U.P. and Another

Citation :

Click Here To Read/Download Order (https://www.livelaw.in/pdf_upload/sri-hiralal-vs-state-of-up-and-another-allahabad-high-court-641621.pdf)

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