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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 752 of 2024**

Dasrathi S/o. Khuti Maurya Aged About 33 Years R/o. Singanpur, P.S.-
Badanji, District-Bastar (C.G.)

... Applicant(s)**versus**

1 - Smt. Rukmani Alias Ruko W/o. Dsrathi Maurya Aged About 33 Years
R/o. Singanpur, Police Station- Badanji, Tehsil And District - Bastar
(C.G.)

2 - Narhari S/o. Dasrathi Maurya Aged About 13 Years R/o. Singanpur,
Police Station- Badanji, Tehsil And District - Bastar (C.G.)

3 - Prem D/o. Dasrathi Maurya Aged About 9 Years R/o. Singanpur,
Police Station- Badanji, Tehsil And District - Bastar (C.G.) Both
Respondent No. 02 And 03 Since Minor Through Their Mother
Respondent No. 01, Smt, Rukmani, D/o. Dsrathi Maurya, Aged About-
33 Years.

... Respondent(s)

For Applicant(s) : Mr. Sajal Kumar Gupta, Advocate.

For Respondent(s) : Mr. Santosh Bharat, Advocate.

**Hon'ble Shri Ramesh Sinha, Chief Justice****Order on Board****30/01/2026**

1. Heard Mr. Sajal Kumar Gupta, learned counsel for the applicant. Also heard Mr. Santosh Bharat, learned counsel for the respondent on I.A. No.01/2024, which is an application for condonation of delay of 6 days in filing the instant criminal revision.
2. For the reasons mentioned in the application I.A. No.01/2024 i.e. application for condonation of delay, the same is allowed and delay is condoned. The criminal revision is heard finally.
3. The applicant has filed this criminal revision against the order dated 13.03.2024 passed by learned Family Court, Jagdalpur, District – Bastar (C.G.) in Criminal M.J.C. No.29/2021, whereby, the learned Family Court partly allowed the application under Section 127 Cr.P.C. filed by the respondents and has enhanced the maintenance amount from Rs.400/- per month to Rs.1,200/- per month in favour of respondent No.1, Rs.300/- per month to 1,000/- per month in favour of respondent No.2, and Rs.300/- per month to Rs.800/- per month in favour of respondent No.3 (total 3,000/- to the respondents).
4. Brief facts necessary for disposal of this revision are that the applicant and respondent No.01 belong to the Muriya tribal community and were married as per local customs in the year 2004–2005. Due to family disputes, respondent No.01 left the



applicant's house in the year 2014 and has been residing with her parents without sufficient cause. Despite repeated efforts by the applicant and community members to bring her back, she refused to return. There is no allegation or proof of cruelty or domestic violence against the applicant. Subsequently, on the advice of community members and as per prevailing tribal customs, the applicant contracted a second marriage, which is admitted by respondent No.01 to be common in their community. An application under Section 125 CrPC filed by the respondents was allowed by the Family Court, granting maintenance. Later, an application under Section 127 CrPC for enhancement of maintenance was allowed without properly considering the limited income of the applicant, who is a daily wage labourer with responsibility towards his parents, second wife, and children. Aggrieved by the said order, the present criminal revision has been filed.

5. Learned counsel for the applicant submits that the learned Family Court has failed to properly appreciate the evidence on record, particularly the deposition of the applicant, wherein he has categorically stated that he has a very limited source of income. The applicant is a daily wage labourer earning approximately Rs.350–400/- per day and gets work only occasionally. He is also required to maintain his aged parents, second wife, and children. The enhancement of maintenance has been ordered without considering his actual earning capacity, thereby causing serious



financial hardship to the applicant. He further submits that the learned Court below has not correctly appreciated the statements of the parties, which clearly establish that respondent No.01 left the matrimonial home of her own volition and without any sufficient cause, and further failed to prove any allegation of cruelty or domestic violence against the applicant. The respondent No.01 herself admitted that she left the applicant due to a family dispute. The applicant has consistently expressed his willingness to keep the respondents with him, which would make it easier for him to maintain the family jointly. He also submits that the impugned order has been passed in disregard of the provisions of Sections 125(4) and 127 of the Code of Criminal Procedure. The learned Family Court failed to consider that respondent No.01 is engaged in farming activities, has an independent source of income, and also receives free and subsidized ration from the State Government. The enhancement of maintenance is thus arbitrary, contrary to law, and violative of the principles laid down by the Hon'ble Supreme Court in ***Jabsir Kaur Sehgal v. District Judge, Dehradun (1997) 7 SCC 7.*** Hence, the impugned order deserves to be set aside.

6. On the other hand, learned counsel for the respondent opposes the submissions made by the learned counsel for the applicant and submits that the Family Court after considering all the documents and evidence adduced by the parties has passed the order, in which no interference is called for.



7. I have heard learned counsel for the parties, perused the impugned order and other documents appended with criminal revision.
8. From perusal of the impugned order, it transpires that the learned Family Court partly allowed the application under Section 127 Cr.P.C. filed by the respondents and has enhanced the maintenance amount from Rs.400/- per month to Rs.1,200/- per month in favour of respondent No.1, Rs.300/- per month to 1,000/- per month in favour of respondent No.2, and Rs.300/- per month to Rs.800/- per month in favour of respondent No.3 (total 3,000/- to the respondents) holding that since considerable time has elapsed from the earlier order dated 08.01.2014, the cost of living and prices of essential commodities have substantially increased, the children have grown up and their educational and daily needs have increased, and that the respondent being a mason is presumed to have an increased earning capacity in comparison to the year 2014. On these presumptions, the learned Family Court held that a change in circumstances within the meaning of Section 127 Cr.P.C. was established and accordingly enhanced the maintenance amount.
9. Considering the submissions advanced by the learned counsel for the parties and perusing the impugned order and the finding recorded by the learned Family Court, I am of the view that the Family Court has not committed any illegality or infirmity or



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jurisdictional error in the impugned order warranting interference
by this Court.

10. Accordingly, the revision being devoid of merit is liable to be and
is hereby **dismissed**.

Sd/-

(Ramesh Sinha)
Chief Justice

Akhil