



2026:CGHC:4431

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 46 of 2024**

Gokul Ram Lodhi S/o Late Tahluram Lodhi Aged About 59 Years R/o Village Vicharpur, Post Bundeli, Police Station And Tahsil Chhuikhadan, District : Rajnandgaon, Chhattisgarh

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

Smt. Narbadiya Bai W/o Gokul Ram Lodhi Aged About 56 Years R/o Village Bhardagond, Post Bundeli, Police Station And Tahsil Chhuikhadan, District : Rajnandgaon, Chhattisgarh

... Respondent(s)

For Applicant(s) : Mr. Ankush Borkan, Advocate

For Respondent(s) : Mr. Tarun Dansena, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****27.01.2026**

1. Heard Mr. Ankush Borkan, learned counsel for the applicant. Also heard Mr. Tarun Dansena, learned counsel for the respondent.
2. The applicant has filed this criminal revision against the order dated 10.10.2023 passed by learned Camp Court, Khairagarh of Family Court, Kabirdham (C.G.) in Misc. Criminal Case No.



128/2021, whereby, the learned Family Court partly allowed the application under Section 125 Cr.P.C. filed by the respondent and directed to pay Rs.2000/- per month to respondent towards maintenance.

3. The brief facts of the case are that the marriage between the applicant and the non-applicant was solemnized about 38–39 years ago according to Hindu rites and social customs, out of which two daughters, namely Dev Kumari and Devbati, were born, of whom the younger daughter Devbati died in childhood and the elder daughter Dev Kumari is residing at her matrimonial home. It is alleged by the non-applicant that about 34–35 years ago the applicant developed an illicit relationship with one Maina Bai and, with the intention of bringing her as a second wife, subjected the non-applicant to cruelty and assault and ultimately drove her out of the matrimonial house along with her daughters, forcing her to take shelter at her parental village Bhardagond, where she maintained herself and her daughters by doing labour work. During this period her younger daughter expired. The non-applicant further pleaded that she is now about 56 years of age, suffering from ill-health, incapable of doing labour, and facing severe hardship for her sustenance, whereas the applicant has sufficient means as an agriculturist owning several parcels of agricultural land and earning substantial annual income, yet has neglected and refused to maintain her, compelling her to file an application under Section 125 CrPC claiming maintenance of Rs.10,000/- per



month. On the other hand, the applicant denied all allegations, contending that the non-applicant voluntarily left the matrimonial home, that he never assaulted or deserted her and had made sincere efforts to bring her back, and that he contracted a second marriage only thereafter. He further asserted that the non-applicant is healthy, residing with her daughter Dev Kumari, who is in service, has already received her share of property, and is not in need of maintenance, besides pointing out the pendency of Civil Suit No.04A/2021 relating to property disputes. Upon hearing both parties, the learned court below partly allowed the application and awarded maintenance of Rs.2,000/- per month to the non-applicant from the date of application, which the applicant contends to be on the higher side and has therefore preferred the present revision.

4. Learned counsel for the applicant submits that the impugned order dated 10.10.2023 passed by the learned Family Court is illegal, arbitrary and suffers from serious procedural irregularity, illegality and perversity, and therefore deserves to be set aside, as the learned Court has grossly misinterpreted and over-assessed the income of the applicant by treating him as a person of sufficient means, whereas in fact the applicant is merely an agricultural labourer with meagre and uncertain income and is not financially capable of paying maintenance as directed. It is further submitted that the learned Family Court failed to consider the inordinate and unexplained delay on the part of the non-applicant



in approaching the Court for maintenance after several decades, which itself disentitles her to the relief claimed. Moreover, the impugned order has been passed in complete disregard of the binding guidelines laid down by the Hon'ble Supreme Court in *Rajnish v. Neha*, (2021) 2 SCC 324, particularly with respect to proper assessment of income, liabilities, standard of living and financial capacity of the parties. It is also submitted that the learned Court failed to appreciate that the non-applicant along with her daughter Dev Kumari has already received a share in the agricultural land from the applicant as her legal right and is presently residing with her daughter, who is gainfully employed, and thus the non-applicant is not dependent upon the applicant for her sustenance and is not entitled to any maintenance, rendering the impugned order unsustainable in the eyes of law.

5. On the other hand, learned counsel for the respondent submits that the learned trial Court after considering the pleading the circumstances has rightly passed the order, in which, no interference is sought for.
6. I have heard learned counsel for the parties, perused the impugned order and other documents appended with criminal revision.
7. From perusal of the impugned order, it transpires that the Family Court partly allowed the application under Section 125 Cr.P.C. filed by the respondent and directed the pay Rs.2,000/- per month to respondent after appreciating the oral and documentary



evidence on record and, after considering the needs of the respondent, the admitted neglect by the applicant, his agricultural holdings, and his own statements regarding transfer of land to his daughters, has awarded a modest maintenance of only Rs.2,000/- per month, which is neither excessive nor arbitrary.

8. 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 jurisdictional error in the impugned order warranting interference by this Court.
9. Accordingly, the revision being devoid of merit is liable to be and is hereby **dismissed**.

Sd/-
(Ramesh Sinha)
Chief Justice