



2026:CGHC:4420

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRR No. 1286 of 2024**

Pawasnand Bharti S/o Shri Vivekanand Bharti Aged About 29 Years R/o
Budha Talab, Kailashpuri, Near Pujari Vatika Raipur, District : Raipur,
Chhattisgarh.

... Applicant**versus**

Smt. Pragya Bharti W/o Shri Pawasnand Bharti Aged About 23 Years R/o
Virendra Soni, House No. A/9, B.S.U.P. Colony, Mathpuraina, Simran City
Raipur, District : Raipur, Chhattisgarh.

... Respondent

For Applicant : Ms. Smita Jha, Advocate

For Respondent : Mr. Premshankar Yadav, Advocate

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

1. This criminal revision has been filed by the applicant with the following prayer:

"It is therefore prayed that this Hon'ble Court may kindly be pleased to allow this revision and set aside the impugned order dated 22.08.2024 passed by the learned Principal Judge Family Court Raipur (C.G.) in Criminal M.J.C. Case No. 873/2023 in the case titled "Smt. Pragya Bharti Vs. Pawasnand Bharti" (Annexure P/1), in the interest of justice."

2. The facts of the case, in brief, are that the applicant and the respondent admittedly solemnized their marriage on 16.02.2022 at Tikrapara, Raipur (C.G.) in accordance with Hindu customs and rites. The respondent-wife thereafter filed an application under Section 125 of the Code of Criminal Procedure on 09.08.2023 in Criminal Miscellaneous Case No. 873/2023, pleading that at the time of marriage her father had gifted household articles worth approximately Rs.7,83,667/- along with a motorcycle, and that a list of articles was duly signed by both families. It was alleged that soon after marriage the applicant and his family members started subjecting her to cruelty and physical harassment on account of demand for a car as dowry, and that the applicant's mother used to taunt her for bringing insufficient dowry. It was further alleged that on 18.09.2022, after a dispute, the respondent was forcibly driven out of the matrimonial home by the applicant in the presence of her parents, compelling her to return to her parental house. The respondent subsequently lodged a complaint at Mahila Thana, Raipur on 24.09.2022, pursuant to which an FIR under Sections 498-A/34 of IPC and Section 4 of the Dowry Prohibition Act was registered. In her application under Section 125 Cr.P.C., the respondent pleaded that she is educated only up to 12th standard, has no independent source of income, and that the applicant is earning about Rs.1,00,000/- per month by working as a musician with orchestra and bhajan mandali and by renting out a vehicle (407) with generator, and sought maintenance of Rs.50,000/- per month. Upon appreciation of the pleadings and reliable evidence

adduced by the respondent, the learned Principal Judge, Family Court, Raipur, by the impugned order, allowed the application and granted maintenance of Rs.7,000/- per month in favour of the respondent. Aggrieved by the said order, the applicant has preferred the present revision.

3. Learned counsel for the applicant submits that the learned Family Court has committed grave error in law as well as on facts while passing the impugned order dated 22.08.2024, as the same is contrary to the evidence on record and settled principles of law. It is submitted that the applicant is a simple Tabla player associated with a Bhajan Mandali and earns a meagre income of about Rs.5,000 per month, out of which he is also required to maintain his aged parents and unmarried sister, who are dependent upon him, and therefore the learned Court failed to consider his actual income, liabilities and financial capacity. It is further submitted that the Respondent, of her own volition, left the joint family and consistently insisted upon living separately, and despite repeated efforts made by the applicant along with his parents, relatives and respectable members of society, including on 24.12.2022 in the presence of social persons, the respondent refused to return to the matrimonial home unless the applicant separated from his parents. The applicant has at all times expressed his willingness to keep and maintain the respondent and to resume cohabitation in the joint family, which fact has been duly pleaded and supported by his written statement and affidavit filed under Order XVIII Rule 4 of the Code of Civil Procedure. It is further submitted that even assuming,

without admitting, that the applicant earns some amount from his profession, the same is extremely limited and uncertain due to declining opportunities for traditional Bhajan Mandali performances in the present scenario of electronic orchestras, and therefore the learned Family Court erred in directing payment of maintenance without properly appreciating the applicant's limited earning capacity, dependent family members and overall financial hardship, rendering the impugned order unsustainable in the eyes of law.

4. On the other hand, learned counsel, appearing for the respondent opposes the prayer made by the learned counsel for the applicant and supports the impugned order passed by the learned Principal Judge, Family Court, Raipur, District – Raipur (C.G.).
5. I have heard learned counsel for the parties, perused the pleadings and documents appended thereto.
6. From the perusal of the impugned order, it transpires that the learned Principal Judge, Family Court, Raipur has passed the impugned order after due consideration of the pleadings, evidence and circumstances of the case. The learned Family Court rightly took note of the admitted marital relationship between the parties, the allegations of cruelty and dowry demand supported by documentary and oral evidence, and the fact that the respondent-wife was compelled to reside separately after being driven out of the matrimonial home. The Court also duly considered the registration of an FIR under Sections 498-A/34 of IPC and Section 4 of the Dowry Prohibition Act, which corroborates the respondent's version

regarding harassment. While determining the quantum of maintenance, the learned Court judiciously assessed the earning capacity of the applicant on the basis of material available on record and rightly concluded that the respondent, being educated only up to 12th standard and having no independent or sufficient source of income, is entitled to maintenance to sustain herself with dignity. The amount of Rs.7,000/- per month awarded as maintenance is reasonable, modest and proportionate, keeping in view the needs of the respondent and the financial capacity of the applicant, and therefore the impugned order has been passed in accordance with law and settled principles governing Section 125 of the Code of Criminal Procedure.

7. Considering the submission 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.
8. Accordingly, the criminal revision, being devoid of merit, is liable to be and is hereby **dismissed**.
9. Let a certified copy of this order as well as original records be transmitted to the trial Court concerned forthwith for necessary information and compliance.

Sd/-
(Ramesh Sinha)
Chief Justice