



2026:CGHC:6778

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 194 of 2026**

Daneshwar Yadav S/o Tiharu Yadav Aged About 27 Years R/o- Village Soram, Post Darbar Mokhli, Thana And Tahsil Patan, District Durg (C.G.)

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

Smt. Neera Yadav W/o Daneshwar Yadav Aged About 27 Years Current And Present Address- Village- Gomchi (Tendua), Near Nandanvan, Thana Urla, Tahsil And District Raipur (Chhattisgarh)

... Respondent(s)

For Applicant(s) : Mr. Saurabh Gupta, Advocate.

For Respondent(s) : None.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****06/02/2026**

1. The applicant has filed this criminal revision against the order dated 27.12.2025 passed by learned 2nd Additional Principal Judge, Family Court, Raipur (C.G.) in Misc. Criminal Case



No.389/2023, whereby, the learned Family Court partly allowed the application under Section 125 Cr.P.C. filed by the respondent and directed the applicant to pay Rs.5,000/- per month to respondent towards maintenance.

2. Brief facts necessary for disposal of this revision are the respondent Smt. Neera Yadav filed an application under Section 125 of the Cr.P.C. seeking maintenance of Rs.20,000 per month, stating that her marriage with the applicant/husband was solemnized on 21.04.2022 according to *Hindu* rites and rituals. It was pleaded that, considering the status of her parental family, adequate jewellery, household articles and other goods were given at the time of marriage. However, after a few days of marriage, the in-laws allegedly started harassing her on the pretext of inferior quality of household goods and utensils and also raised demands for dowry. It was further alleged that after about six months of marriage, the husband subjected her to physical cruelty and deserted her on 06.10.2022. A social meeting was convened to resolve the dispute, but the husband refused to take her back and allegedly threatened to solemnize a second marriage. Consequently, the respondent lodged a written complaint on 08.02.2023 at Mahila Thana, Raipur, pursuant to which Crime No. 23/2023 was registered against the husband and mother-in-law for offences under Sections 498-A and 34 of the IPC. In her application, the respondent also pleaded that the husband is a skilled mason earning about Rs.60,000–70,000 per



month, and on that basis sought maintenance of Rs.20,000 per month. Upon notice, the applicant/husband filed his reply denying all allegations, contending that the respondent is mentally unstable and had failed to maintain marital harmony. He further claimed that he is a daily wage labourer with meagre income, and that after counselling on 18.04.2024, they resumed cohabitation at his maternal home, but thereafter a false complaint was again lodged on 19.05.2024, leading to his arrest. After considering the pleadings and material on record, the learned Family Court, by order dated 27.12.2025, partly allowed the application under Section 125 Cr.P.C. Aggrieved by the said order, the present revision petition has been filed, challenging the impugned order dated 27.12.2025 (Annexure P-1). Hence, the revision.

3. Learned counsel for the applicant submits the impugned order passed by the learned Family Court is illegal and unsustainable, as the Court has failed to properly appreciate the evidence and documents available on record and has committed grave errors of law while deciding the application for maintenance. He further submits that the learned Family Court ignored the material fact that the petitioner-husband is a daily wage labourer with limited earning capacity and is only capable of paying Rs.5,000 per month as maintenance. The Court further failed to consider that the respondent-wife is more educated, capable of maintaining herself, and that she wilfully deserted the petitioner. The amount of maintenance granted is therefore excessive and liable to be



reduced. He also submits that the learned Family Court erred in granting maintenance despite the fact that the respondent-wife made false and exaggerated allegations of cruelty and dowry harassment, failed to prove the same, and also failed to establish the actual income of the petitioner by any documentary or reliable oral evidence. The conduct of the respondent-wife has not been properly evaluated. The petitioner craves liberty to urge additional grounds at the time of hearing.

4. I have heard learned counsel for the applicant, perused the impugned order and other documents appended with criminal revision.
5. From perusal of the impugned order, it transpires that the learned Family Court partly allowed the application under Section 125 Cr.P.C. filed by the respondent and directed the applicant to pay Rs.5,000/- per month to respondent towards maintenance, holding that the respondent is the legally wedded wife of the applicant, and she has sufficient and reasonable cause to live separately on account of cruelty and harassment, and she is unable to maintain herself. The learned Court further held that although the respondent failed to conclusively prove the exact income of the applicant, the applicant being an able-bodied and earning person is legally bound to maintain his wife, and accordingly awarded maintenance as aforementioned, which cannot be said to be on higher side.



6. Considering the submissions advanced by the learned counsel for the applicant 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.
7. Accordingly, the revision being devoid of merit is liable to be and is hereby **dismissed**.

Sd/-

(Ramesh Sinha)
Chief Justice