



2026:CGHC:4433

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRR No. 761 of 2024**

Sushil Kumar S/o Nirmal Ram Aged About 34 Years R/o Village Kailashpur, P.S. Jainagar, Tahsil Surajpur, District Surajpur Chhattisgarh.

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

1 - Smt. Fulwati W/o Sushil Kumar Aged About 34 Years At Present Resident Of Korea Colliery Dafai Samity Ward No. 07, P.S. And Tahsil Chirmiri, District M.C.B. Chhattisgarh.

2 - Kumari Drishti D/o Sunil Kumar Minor Through Mother Smt. Fulmati W/o Sushil Kumar, At Present Resident Of Korea Colliery Dafai Samity Ward No. 07, P.S. And Tahsil Chirmiri, District M.C.B. Chhattisgarh.

... Respondent(s)

For Applicant(s) : Ms. Sangeeta Soni, Advocate

For Respondent(s) : None

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

1. Heard Ms. Sangeeta Soni, learned counsel for the applicant.

2. The applicant has filed this criminal revision against the order dated 25.04.2024 passed by learned Principal Judge Family Court, Manendragarh Camp Baikunthpur, District- Korea (C.G.) in Misc. Criminal Case No. 137/2022, whereby, the learned Family Court partly allowed the application under Section 125 Cr.P.C. filed by the respondents and directed the applicant to pay Rs.2,500/- per month to respondent No.1 and Rs.1,000/- per month to respondent No.2 towards maintenance.
3. The brief facts of the case are that the respondents filed an application under Section 125 of the Code of Criminal Procedure seeking grant of maintenance to the tune of Rs. 20,000/- per month from the applicant. It is the case of respondent No.1 that her marriage with the applicant was solemnized according to Hindu rites and customs, and out of the said wedlock respondent No.2 was born on 22.05.2017. It has been alleged by respondent No.1 that after some time of marriage, she was subjected to harassment and cruelty by the applicant and his family members on account of allegations of bad character and demand of dowry, and that the applicant neglected and refused to maintain the respondents, compelling respondent No.1 to leave the matrimonial home and reside along with respondent No.2 at her parental house. It is further stated that respondent No.1 has no independent source of income, whereas the applicant is stated to be working as a labourer and cultivator, earning about Rs. 25,000/- per month. After issuance of notice, the applicant

appeared and denied the allegations, contending that respondent No.1 left the matrimonial home without any justifiable reason and is capable of maintaining herself. Upon appreciation of oral and documentary evidence, the learned Family Court allowed the application vide impugned order dated 25.04.2024 and directed the applicant to pay maintenance of Rs. 3,500/- per month, comprising Rs. 2,500/- to respondent No.1 and Rs. 1,000/- to respondent No.2, which order is assailed in the present revision as being illegal, erroneous, and contrary to law.

4. Learned counsel for the applicant submits that the impugned order passed by the learned Family Court is illegal, arbitrary, perverse, and contrary to the evidence available on record, inasmuch as the Court below failed to appreciate that the applicant has never subjected respondent No.1 to cruelty and has, in fact, made sincere efforts to maintain the matrimonial relationship, which were consistently refused by respondent No.1. It is further submitted that respondent No.1 voluntarily left the matrimonial home without any justifiable cause and persistently declined to reside with the applicant, thereby disentitling herself to maintenance under Section 125 Cr.P.C. Learned counsel contends that respondent No.1 is a well-educated lady, engaged in tailoring work, and is capable of maintaining herself, and further that her father is employed with SECL, a fact which has been completely overlooked by the learned Family Court. It is also urged that the conduct of respondent No.1 has been cruel and

unreasonable towards the applicant and his family members, as she repeatedly insisted on living separately, quarrelled without cause, and used abusive language, thereby creating matrimonial discord. The learned Family Court, it is argued, failed to appreciate that respondent No.1 made no genuine effort to return to the matrimonial home, clearly demonstrating her intention to live separately of her own accord. It is lastly submitted that the respondents failed to establish the income of the applicant by any cogent evidence or documentary proof, and therefore the findings recorded by the learned Family Court are wholly unsustainable, erroneous, and liable to be set aside.

5. I have heard learned counsel for the applicant, perused the impugned order and other documents appended with criminal revision.
6. 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 respondents and directed the applicant to pay Rs.2,500/- per month to respondent No.1 and Rs.1,000/- per month to respondent No.2 towards maintenance observing that respondent No.1 is the legally wedded wife of the applicant, that she has sufficient and reasonable cause to live separately due to cruelty and neglect on the part of the applicant, that she has no independent source of income to maintain herself and the minor child, and that the applicant, being an able-bodied person earning from agriculture and labour work, is legally bound and financially

capable of maintaining the respondents, therefore, the Family Court has granted maintenance to the respondents as aforementioned, which cannot be said to be on higher side.

7. 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.
8. Accordingly, the revision being devoid of merit is liable to be and is hereby **dismissed**.

Sd/-
(**Ramesh Sinha**)
Chief Justice

Akhil