



2026:CGHC:4215



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NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 51 of 2024**

Ramkishan Markam S/o Late Puranik Ram Aged About 58 Years R/o Village  
Siyadehi, P.S. Keregaon, District : Dhamtari, Chhattisgarh

**... Applicant****versus**

Mithala Bai W/o Ramkishan Markam Aged About 53 Years R/o Village  
Umargaon, P.S. Sihawa, Tahsil Nagri, Dhamtari, Chhattisgarh.

**... Respondent**

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For Applicant : Ms. Ankita Goswami, Advocate on behalf of Mr.  
Pushpendra Kumar Patel, Advocate.

For Respondent : Mr. Shubhank Tiwari, Advocate.

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**Hon'ble Mr. Ramesh Sinha, Chief Justice****Order on Board****23.01.2026**

1. Heard Ms. Ankita Goswami, learned counsel, appearing on behalf of Mr. Pushpendra Kumar Patel, learned counsel, for the applicant. Also heard Mr. Shubhank Tiwari, learned counsel, appearing for the respondent.
2. The present revision has been filed by the applicant with the following prayer:

*"It is therefore, that this Hon'ble Court may kindly be  
pleased to allowed criminal revision and set-aside the  
impugned order dated 08.12.2023 passed by the*



*learned Family Court Dhamtari Chhattisgarh, in Misc.  
Criminal Case No. 47/2022, in the interest of justice."*

3. Facts of the case are that the respondent filed an application under Section 125 of the Cr.P.C. seeking maintenance of Rs. 20,000/- per month. It is stated that the respondent solemnized marriage with the applicant in the year 1988 according to Hindu rites and rituals. Out of their wedlock, one daughter namely Namita and one son namely Ramnaresh were born, and both are major. It is further alleged that after some time of marriage, the applicant and his family members harassed and mentally tortured the respondent on account of dowry demand. Due to the said harassment, the respondent left her matrimonial home and started residing at her parental house. It is also alleged that the applicant is working as a teacher in a Government school and earns about Rs. 60,000/- per month as salary, whereas the respondent has no source of income. Therefore, the respondent sought grant of maintenance of Rs. 20,000/- per month.
4. After issuance of notice, the applicant filed his reply and denied all the averments made in the application, including the claim for maintenance.
5. Learned Family Court, after framing the issues and recording the evidence, passed the order dated 08.12.2023, whereby the application filed by the respondent was allowed and the applicant was directed to pay maintenance of Rs. 3,000/- per month.
6. Learned counsel for the applicant submits that the impugned maintenance order passed by the learned Family Court is arbitrary, illegal, and contrary to the evidence and documents submitted by the applicant. She submits that the applicant is an old person and his entire family is totally dependent upon him, therefore, the impugned



maintenance order is liable to be quashed. The respondent started raising unnecessary disputes with the applicant after many years of marriage, and the respondent, on her own volition, left the house of the applicant without any sufficient reason. Therefore, she is not entitled to claim maintenance under the provisions of Section 125 of the Cr.P.C. She further submits that the respondent has failed to prove the income of the applicant and has not produced any document regarding his income. Therefore, the maintenance awarded at Rs. 3,000/- per month is liable to be set aside. The respondent is a well-educated lady and does not wish to reside with the applicant to continue the matrimonial life, therefore, the impugned maintenance order is liable to be set aside. She also submits that the respondent left her matrimonial home without any sufficient cause and has made no effort to return and reside with the applicant. The maintenance amount awarded is on the higher side and is liable to be modified. The learned Family Court passed the impugned order in the absence of the applicant and without proper consideration; therefore, the impugned order is liable to be quashed. The respondent has failed to produce any document regarding the income of the applicant. Moreover, the applicant is dependent upon and responsible for maintaining his parents, therefore, the impugned order is liable to be quashed.

7. 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 Family Court, Dhamtari (C.G.), in Misc. Criminal Case No. 47/2022.
8. I have heard learned counsel for the parties and perused the judgment of the learned Family Court.
9. Considering the submission advanced by the learned counsel for the parties, materials available on record and also considering the price



index and medical expenses, total amount awarded to the respondent cannot be said to be shockingly high warranting interference by this Court in the present revision petition.

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

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

**Abhishek**