



2026:CGHC:4213



2026:CGHC:4213

NAFR

## HIGH COURT OF CHHATTISGARH AT BILASPUR

### CRR No. 85 of 2024

Ishwari Das Sahu S/o Shri Thandram Sahu Aged About 31 Years R/o Bakimongra, Korba,, District : Korba, Chhattisgarh

... Applicant(s)

### versus

**1** - Smt. Hema Sahu W/o Ishwai Das Sahu Aged About 28 Years R/o Bakimongra, Korba, District- Korba, Cg, Presently R/o Village- Rasedi, Ps- Balodabazar, Distt- Balodabazar- Bhatapara, CG

**2** - Minor Kanak Sahu D/o Ishwari Das Sahu Aged About 4 Years Through Her Gurardina Mother R/o Bakimongra, Korba, District- Korba, Cg, Presently R/o Village- Rasedi, Ps- Balodabazar, Distt- Balodabazar- Bhatapara, CG

... Respondent(s)

---

For Applicant(s) : Mr. Rajendra Tripathi, Advocate.

For Respondent(s) : Mr. Tanuj Patwardhan, Advocate.

---

**Hon'ble Shri Ramesh Sinha, Chief Justice**

**Order on Board**

**23/01/2026**

1. The applicant has filed this criminal revision against the order dated 29.11.2023 passed by learned Family Court, Balodabazar



(C.G.) in Criminal M.C.C. No.93/2022, 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.3,000/- per month to respondent No.1 and Rs.2,000/- per month to respondent No.2, towards maintenance.

2. Brief facts necessary for disposal of this revision are that the respondent–wife filed an application under Section 125 of the Code of Criminal Procedure seeking maintenance of Rs.25,000/- per month for herself and Rs.15,000/- per month for her minor daughter, totaling Rs.40,000/- per month, alleging that her marriage with the applicant was solemnized on 16.02.2021 according to Hindu rites and rituals and that a daughter was born out of the wedlock on 11.02.2022. She alleged harassment and cruelty on account of dowry demands, her forcible ouster from the matrimonial home, and asserted that she has no independent source of income and is dependent upon her parents. The applicant denied all the allegations and contested the claim by filing a reply. After considering the pleadings and evidence of both parties, the learned Family Court partly allowed the application and by order passed under Section 125 Cr.P.C. directed the applicant to pay Rs.3,000/- per month to the respondent–wife and Rs.2,000/- per month to the minor daughter from the date of filing of the application. Being aggrieved by the said order granting maintenance, the present petition has been preferred.



3. Learned counsel for the applicant submits that the learned Court below has committed a serious error in passing the impugned order, which is contrary to the provisions of Section 125 of the Code of Criminal Procedure, as the respondent–wife failed to prove the income and earning capacity of the petitioner, yet maintenance has been granted without proper legal basis. He further submits that the learned Family Court failed to appreciate that the petitioner made repeated and bona fide efforts to bring the respondent–wife back to the matrimonial home, however, she behaved indecently and has been residing separately without any reasonable or justifiable cause. The Court also overlooked the fact that the respondent–wife lodged false complaints and an FIR against the family members of the petitioner only with an intention to harass them. He also submits that the learned Family Court further erred in not considering that the petitioner does not own or run any shop as alleged, and therefore, the maintenance amount awarded is excessive and on the higher side, calling for interference by this Court.
4. On the other hand, learned counsel for the respondent opposes the submissions made by the learned counsel for the applicant and submits that the Family Court after considering all the documents and evidence adduced by the parties has passed the order, in which no interference is called for.



5. I have heard learned counsel for the parties, perused the impugned order and other documents appended with criminal revision.
6. 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 respondents and directed the applicant to pay Rs.3,000/- per month to respondent No.1 and Rs.2,000/- per month to respondent No.2, towards maintenance observing that the marriage between the parties and birth of respondent No.2 were not in dispute, furthermore, the respondents had sufficient and reasonable cause to live separately due to matrimonial discord and allegations of dowry harassment and the respondents have no independent source of income to maintain themselves, on the other hand, the applicant, being physically and mentally capable of earning, has neglected to maintain them despite having the capacity to do so. Therefore, the Family Court concluded that the respondents are entitled to maintenance as aforementioned, which cannot be said to be on higher side.
7. 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.



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

Sd/-

**(Ramesh Sinha)**  
**Chief Justice**

**Abhishek**