



2025:CGHC:31299



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 29 of 2021**

1 - Mamta W/o Ramprakash Aged About 26 Years R/o Village - Paal Dharena, Police Station - Pasaan, District Korba, Chhattisgarh. Present Address - Village Sakariya, Police Station And Tahsil Khadgawan, District Koriya, Chhattisgarh.

2 - Aarav S/o Ramprakash Aged About 3 Years (Mother Mamta As Guardian For Applicant No. 02 Being Minor) R/o Village - Paal Dharena, Police Station - Pasaan, District Korba, Chhattisgarh. Present Address - Village Sakariya, Police Station And Tahsil Khadgawan, District Koriya, Chhattisgarh.

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

Ramprakash S/o Ramlakhan Aged About 29 Years R/o Village - Paal Dharena, Police Station - Pasaan, District Korba, Chhattisgarh. Present Address - 42, N.D.B.N. Border Security Force, Naanpara, Baharaich Uttar Pradesh.

... Non-applicant(s)

For Applicants : Mr. Ramsajiwan, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****08.07.2025**

1. By way of this revision, the applicants have prayed for following relief:

"It is therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased to enhanced the



maintenance amount awarded by the learned Family Court vide the impugned order dated 18.11.2020 in Misc. Cr. Case No. 115/19, from three thousand to ten thousand, in the interest of justice.”

2. Brief facts of the case are that the applicants filed an application under Section 125 of Cr.P.C., before, Family Court, Manendragarh for maintenance, stating that the marriage of applicant No.1 was solemnized with non-applicant on 05.02.2014, as per Hindu Rites and Rituals and out of their wedlock, male child namely Aarav i.e. applicant No.2 was born on 29.10.2016. The non-applicant lived happily with applicants for 1-2 years thereafter, the non-applicant started giving her mental and physical torture for demand of dowry of 50 thousand along with motor cycle. Even after the birth of the child and there was no change in the behavior of non-applicant towards the applicant No.1 and thereafter non-applicant has expelled the applicants from her matrimonial house. Due to lack of financial support, the applicants are unable to bear their day to day expenses and are facing great hardship. Therefore, they filed an application under Section 125 of Cr.P.C. before the learned Family Court, seeking maintenance amount of Rs. 10,000/- per month for herself and the minor child, applicant No. 2.
3. Thereafter, notice was served to the applicant through registered post but he did not appear before the Family Court therefore, Ex-parte proceeding was initiated against him. The learned Family Court after hearing the applicant No. 1 and evidence presented by her, (ex-parte) partly allowed the application filed by the applicants and



directed the non-applicant to pay a sum of Rs. 2000/- per month as a maintenance to the applicant No.1/wife and Rs. 1000/- per month to the applicant No. 2/son from the date of filing of application. Hence, this revision.

4. Learned counsel for the applicants submit that the learned Family Court failed to appreciate that the evidence and documents placed before it in its correct perspective, therefore the maintenance award passed by the learned Family Court is liable to be enhanced to further extend as per income of the non-applicant and needs of both the applicants. It is pertinent to mention here that the economic condition of the applicants are very critical as they do not have any source of income of living, therefore maintenance awarded by the learned Family Court needed to be enhanced by sum of Rs. 7,000/- per month. He further submits that the learned Family Court failed to appreciate that the applicant No.2 is studying in school whose monthly fees Rs. 550/-and he also needs good nutritious food for healthy living and has other expenses like medical and other emergency needs for which Rs. 1000/- is too less to meet his requirements. He further submits that the non-applicant is constable in BSF and earns Rs. 43 thousand salary and has other sources of income from agriculture etc. and in other hand the applicant No.1 has no source of income and she has to face hardship to lead her life along with the minor son to meet their daily requirements of life and also looking to the higher income of the non-applicant and no source of income of the applicants, the maintenance amount of Rs. 3000/- required to be enhanced to Rs.10,000/- so that, the applicants could



lead their life without much hardship and trouble. Thus the impugned order passed by the learned Family Court is bad and illegal on all counts and liable to be set-aside.

5. I have heard learned counsel for the applicants, perused the impugned order and other documents appended with revision.
6. From perusal of the impugned order, it transpires that the learned Family Court concerned after considering all the documents and evidence adduced by the applicants, has (ex-parte) partly allowed the application under Section 125 of Cr.P.C. filed by the applicants and has granted maintenance of Rs. 2000/-per month to the applicant No.1/wife and Rs. 1000/- per month to the applicant No.2/son (total 3000/-), observing the income, social and economic status of both the parties and current price index, which cannot be said to be on lower side.
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 learned 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**.
9. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance.

Sd/-
(Ramesh Sinha)
Chief Justice