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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 138 of 2026**

Smt. Kanti Pal W/o Lakhan Lal Pal Aged About 57 Years R/o 9/597, Street No. 1, Tulsi Nagar Murrahbhatti Gudiyari Raipur, Tahsil and District Raipur Chhattisgarh

... Applicant**versus**

Lakhan Pal S/o Mahattar Pal Aged About 65 Years R/o Durga Mandir, Chotta Ashok Nagar Road, Vikas Nagar, Gudiyari Raipur, Tahsil and District Raipur Chhattisgarh

... Respondent

For Applicant : Mr. Parth Kumar Jha, Advocate.

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

1. This criminal revision has been filed by the applicant being aggrieved with the impugned order dated 28.11.2025 passed by the learned 2nd Principal Judge, Family Court, Raipur, District – Raipur (C.G.) whereby the learned Family Court rejected the amendment application filed by the applicant/wife.
2. The brief facts of the case is that the applicant was married to the respondent according to Hindu rites and customs at Village Jagatra, District Balod, on 13.05.1981. Out of the said wedlock, two children were born, namely: (i) Mrs. Rekha Pal, aged about 41 years, who is married and residing at her matrimonial home at Nandini Ahiwara, District Durg, Chhattisgarh; and (ii) Shri Chaman Lal, aged about 31 years. Within a few



days of the marriage, the respondent and his father started harassing the applicant on account of insufficient dowry, despite the fact that the applicant's parents had performed the marriage according to their means and had provided household articles, gold and silver ornaments, cash, clothes, etc. Soon after the marriage, the respondent took possession of the applicant's gold bangles, mangalsutra, nose ring, earrings, silver anklets, toe rings, and other ornaments, and gave her imitation jewellery to wear. Despite repeated demands, the respondent and his father avoided returning the said jewellery, which has not been returned till date. After about two to two and a half years of marriage, the respondent started treating the applicant with cruelty. He would frequently beat her, quarrel with her without reason, constantly criticize her, and level false allegations regarding her character. The respondent subjected the applicant to severe harassment at home. Whenever the applicant fell ill, the respondent neither took her to a doctor nor arranged medicines or any other necessities, and provided no care whatsoever. For the last several years, the applicant has no source of income and is facing extreme financial hardship due to non-payment of maintenance by the respondent. The respondent is a highly educated person and was employed as a Principal in a Government School at Sondongri, Raipur, Chhattisgarh, from where he retired about three years ago. Upon retirement, the respondent received approximately Rs.60,00,000/- towards gratuity, provident fund, and other retiral benefits. Presently, he is drawing a monthly pension of more than Rs.55,000/-. The respondent also owns 2.5 acres of agricultural land at Village Pandhi, from which he earns more than Rs.40,000/- per annum by leasing it out. The respondent also owns an ancestral house at Village Pandhi. The applicant requires Rs.20,000/- per month towards maintenance, medical expenses, and other daily



visible and invisible necessities. She also seeks a lump sum of Rs.20,000/- towards litigation expenses and advocate's fees. Despite being financially capable, the respondent is willfully neglecting to maintain the applicant. The applicant-wife filed an application under Section 125 Cr.P.C. before the Learned Principal Judge, Family Court, Raipur, seeking the following reliefs: (i) Grant of ₹20,000/- per month as maintenance; and (ii) Grant of ₹20,000/- towards litigation expenses and advocate's fees.

3. The respondent-husband filed his reply and denied the allegations in toto. Thereafter, the applicant-wife filed an application for amendment of the main petition. The applicant is a minimally educated, elderly woman, who had earlier worked as a maid in a school. While preparing for her evidence, she recalled certain material facts which were inadvertently omitted from the original application due to her age. The proposed amendments were necessary and relevant for the just adjudication of the case. Accordingly, permission was sought to add paragraphs 10(a) to 10(d) after paragraph 10. That the respondent filed a written reply opposing the amendment application and sought its dismissal. The Learned Principal Judge, Family Court, Raipur, after hearing the parties, passed the following order:

“The amendment application has been considered. The original application under Section 125 Cr.P.C. was filed on 19.12.2023 and the matter is pending at the stage of evidence. The amendment application has been filed after about nine months. It appears that the applicant was aware of the facts sought to be introduced even at the time of filing the original application. The reason assigned for the delay is not bona fide. Accordingly, the amendment application is dismissed.”



4. Learned counsel appearing for the applicant submits that the learned Family Court has committed a serious illegality and material irregularity in rejecting the amendment application without appreciating that the proposed amendment was essential for the just and proper adjudication of the case. The amendment sought to bring on record material facts necessary to determine the issue of maintenance, and no evidence had commenced at the time of filing the amendment application. Therefore, allowing the amendment would not have caused any prejudice or injustice to the respondent in any manner. The learned Family Court further committed an error of law in failing to appreciate that even after allowing the proposed amendment, the respondent would have had full opportunity to file an additional reply and to cross-examine the petitioner on the amended pleadings. Hence, the amendment application ought not to have been rejected on technical or hyper-technical grounds, especially in proceedings under Section 125 Cr.P.C., which are summary in nature and meant to advance social justice. The rejection of the amendment application has resulted in grave injustice and miscarriage of justice to the applicant, who has approached the Court seeking maintenance for her survival. The impugned order defeats the very object of Section 125 Cr.P.C. and frustrates the applicant's right to place all relevant facts before the Court for a fair and complete decision.
5. I have heard learned counsel for the applicant, perused the impugned order, pleadings and documents appended thereto.
6. Considering the submission advanced by the learned counsel for the applicant and perusing the impugned order and the finding recorded by the learned Family Court, and also considering that no new ground has been raised by the applicant, I am of the view that the Family Court has not committed any illegality or infirmity or jurisdictional error in the



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impugned order warranting interference by this Court.

7. Accordingly, the present revision, being devoid of merit, is liable to be and is hereby **dismissed**.
8. Let the certified copy of the this order be sent to the concerned trial Court for necessary compliance and follow up action, if any.

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

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