



2026:CGHC:4228

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 128 of 2024

Subhash Ram Rajwade S/o Premsay Rajwade Aged About 35 Years
R/o Village Korja, Nawapara, Police Station And Tahsil Lakhanpur,
District : Surguja (Ambikapur), Chhattisgarh

... Applicant(s)

versus

1 - Smt. Leelawati W/o Subhash Ram Rajwade Aged About 27 Years
R/o Village Taraju, Police Station And Tahsil Lakhanpur, District :
Surguja (Ambikapur), Chhattisgarh

2 - Minor Kumari Mitanjali Rajwade D/o Subhas Ram Rajwade Aged
About 3 Years Through Their Natural Guardian Mother Smt. Leelawati
W/o Subhash Ram Rajwade (respondent No. 1), R/o Village Taraju,
Police Station And Tahsil Lakhanpur, District : Surguja (Ambikapur),
Chhattisgarh

3 - Minor Kumari Priyanshi Rajwade D/o Subhas Ram Rajwade Aged
About 2 Years Through Their Natural Guardian Mother Smt. Leelawati
W/o Subhash Ram Rajwade (respondent No. 1), R/o Village Taraju,
Police Station And Tahsil Lakhanpur, District : Surguja (Ambikapur),
Chhattisgarh

... Respondent(s)

For Applicant(s) : Mr. Anand Mohan Tiwari, Advocate.
For Respondent(s) : Mr. Bhuvneshwar Singh Rajput and Mr.
Anand Kumar Pandey, Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

23/01/2026

1. Heard Mr. Anand Mohan Tiwari, learned counsel for the applicant.
Also heard Mr. Bhuvneshwar Singh Rajput along with Mr. Anand Kumar Pandey, learned counsel for the respondents on I.A. No.02/2024, which is an application for condonation of delay of 11 days in filing the instant criminal revision.
2. For the reasons mentioned in the application I.A. No.02/2024 i.e. application for condonation of delay, the same is allowed and delay is condoned. The criminal revision is heard finally.
3. The applicant has filed this criminal revision against the order dated 07.10.2023 passed by learned Family Court, Ambikapur, District – Sarguja (C.G.) in Misc. Criminal Case No.58/2022, 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.4,000/- per month to respondent No.1, Rs.1,500/- per month to respondent No.2 and Rs.1,500/- per month to respondent No.3 towards maintenance.
4. Brief facts necessary for disposal of this revision are that respondents filed an application under Section 125 Cr.P.C. seeking maintenance of Rs.25,000/- per month from the applicant,

alleging that after marriage the applicant subjected the respondent No.1 to physical and mental cruelty and demanded dowry of Rs.5,00,000/-, threatening remarriage in case of non-fulfilment. It was further alleged that complaints in this regard were made at Police Station Lakhanpur on 03.05.2017 and later at the Women Police Station on 03.02.2022. The respondent claimed that the applicant earns between Rs.75,000/- to Rs.1,00,000/- per month from his business. During cross-examination, however, the respondent admitted that the applicant resided with her at her maternal house and earned his livelihood from there, and later constructed a separate house in the same village. This fact was also admitted by the mother of the respondent in her cross-examination. The respondent failed to produce any documentary evidence regarding the alleged agricultural land, vehicles, or business assets of the applicant, all of which were denied by him. Despite the absence of supporting documents and while proceeding ex-parte, the learned Family Court allowed the application under Section 125 Cr.P.C. and directed the applicant to pay a total maintenance of Rs.7,000/- per month (Rs.4,000/- to respondent No.1 and Rs.1,500/- each to respondent Nos. 2 and 3), which is alleged to be arbitrary, illegal, and contrary to the facts and circumstances of the case. Hence, the revision.

5. Learned counsel for the applicant submits that the impugned order dated 07.10.2023 (Annexure P-1) passed by the learned

Family Court is illegal, perverse, and suffers from serious procedural irregularities, and therefore deserves to be set aside or suitably reduced. The order has been passed without proper appreciation of facts, evidence, and the financial capacity of the applicant, resulting in grave miscarriage of justice. He further submits that the learned Family Court failed to consider that the non-applicant did not produce any documentary evidence to substantiate the allegations regarding ownership of agricultural land, vehicles, or business income allegedly belonging to the applicant, all of which were specifically denied by him. It was also not appreciated that the applicant was residing in his maternal house and earning his livelihood from there. Further, the Court passed the impugned order ex parte without affording sufficient opportunity to the applicant to lead evidence or address final arguments, despite his request for reconciliation, which was ignored. He also submits that the learned Family Court also overlooked the fact that the wife had voluntarily left the matrimonial home and is capable of maintaining herself and the children. The ex parte order was passed on 07.10.2023, and upon gaining knowledge of the same, the applicant promptly applied for the certified copy on 12.12.2023, which was received on 19.12.2023. Hence, the present revision petition has been filed within the prescribed period of limitation.

6. 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.

7. I have heard learned counsel for the parties, perused the impugned order and other documents appended with criminal revision.
8. 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.4,000/- per month to respondent No.1, Rs.1,500/- per month to respondent No.2 and Rs.1,500/- per month to respondent No.3 towards maintenance observing that the applicant is a healthy and able-bodied person having sufficient means of income, on the other hand, respondent No.1 has sufficient reason to live separate as the husband left her along with two minor children at her parental home, neglected to maintain them and allegedly contracted a second marriage, the said facts were supported by evidence and remained unrebutted by the husband, further the wife is unable to maintain herself, the minor respondents are fully dependent upon her, therefore, the Family Court concluded that the respondents are entitled to maintenance as aforementioned, which cannot be said to be higher side.
9. 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.

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

Sd/-

(Ramesh Sinha)
Chief Justice

Akhil