



2025:CGHC:38908



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 103 of 2023

Budh Ram S/o Konda Ram Nagesh, Aged About 55 Years Caste - Turi (Basod), Occupation-Headmaster, Permanent R/o Village - Behrakhar, At Present R/o Village Dugdugiya, Police Station And Tahsil Kunkuri District Jashpur Chhattisgarh.

... Applicant(s)

versus

1 - Smt. Kalavati Bai W/o Budh Ram Aged About 40 Years R/o Goriya Bhuihartoli Police Station Narayanpur, Tahsil Kunkuri, District Jashpur The Applicant No. 2 Being Mentally Unfit, Represented Through Mother And Natural Guardian Kalavati Bai,

2 - Vijay Kumar S/o Budhanath Ram Aged About 17 Years R/o Goriya Bhuihartoli Police Station Narayanpur, Tahsil Kunkuri, District Jashpur The Applicant No. 2 Being Mentally Unfit, Represented Through Mother And Natural Guardian Kalavati Bai,

... Respondent(s)

For Applicant(s) : Mr. Sanjeev Kumar Sahu, Advocate.

For Respondent(s) : Mr. Dashrath Kushwaha, Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

05/08/2025

1. The applicant has filed this criminal revision against the order dated 03.01.2023 passed by learned Family Court, Jashpur (C.G.) in



Misc. Criminal Case No.25/2021, whereby, the learned Family Court partly allowed the application under Section 127 Cr.P.C. filed by the respondents and enhanced the maintenance amount from Rs.1,000/- to Rs.5,000/-.

2. Brief facts necessary for disposal of this revision are that the respondents filed an application under Section 125 of CrPC for maintenance against the applicant, and the Family Court partly allowed the application on June 3, 2006, awarding maintenance of Rs. 1,000/- and Rs. 500/- to the respondents. The applicant claims he was unaware of the proceedings as he didn't receive any notice, and the order was passed *ex-parte*. The respondents later filed an application under Section 127 of CrPC for enhancement of maintenance amount. The applicant contested the application, alleging that the respondent No. 1 is not his legally married wife, they have sufficient income from agricultural land, and the respondent No. 2 is a major. The applicant also claimed to be paying a monthly installment for a house loan and suffering from severe diseases. The Family Court partly allowed the application, enhancing the maintenance amount for respondent No. 1 from Rs. 1,000/- to Rs. 5,000/- per month but rejected the application for respondent No. 2. Hence, the revision.
3. Learned counsel for the applicant submits that the Family Court failed to consider that the respondent No. 1 never lived in the applicant's house and respondents have agricultural land and sufficient income to maintain themselves. He further submits that respondent No. 2 is a major, and the applicant is covering their



treatment expenses. The applicant has taken a loan for house construction and is paying monthly installments, further he suffers from severe diseases and is undergoing regular treatment, he is the sole breadwinner of his family and maintains his family members. He also submits that the respondent No. 1 is living separately without reasonable cause and is not entitled to maintenance. Hence, the impugned judgment passed by the Family Court is liable to be set-aside.

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 Family Court partly allowed the application under Section 127 Cr.P.C. filed by the respondents and enhanced the maintenance amount from Rs.1,000/- to Rs.5,000/- observing the reply, and evidence presented by both parties, it is clear that Court order had directed the applicant to pay a monthly maintenance amount of Rs. 2,000 to the respondents. However, considering the changed circumstances over the past 10 years since 2002, the respondents maintenance expenses have increased. The respondents' side did not present any documents regarding the applicant's income, but the applicant admitted to being a headmaster with a fixed income and salary. It is



also established that respondent No. 2 is a major living with the applicant and his grandparents, and his medical treatment is being taken care of by the applicant. Given the current circumstances, the monthly maintenance amount of Rs. 1,000/- previously ordered is extremely low. The applicant has not challenged this previous order. Considering the income, age, and evidence of both parties, the Family Court found it justifiable to increase the maintenance amount from Rs.1,000/- to Rs.5,000/- in respect to respondent No.1, which cannot be said to be on higher side, according to the current price index.

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