



2026:CGHC:9853



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRR No. 294 of 2026**

Bhagirathi Banjare S/o Shri Teejram Banjare Aged About 40 Years R/o Chanda Vihar Ameri, P.S. Sakri And Prathmesh Vihar, House No. 15 Tehsil- Sakri, Dist.- Bilaspur (C.G.)

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

Amlata Kurrey W/o Bhagirathi Banjare Aged About 37 Years R/o Chanda Vihar Ameri, P.S. Sakri Tehsil Sakri Dist.- Bilaspur (C.G.)

... Non-applicant(s)

For Applicant : Ms. Vidhi Matlani, Advocate

For Non-applicant : None.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****25.02.2026**

1. I.A. No.1 of 2026 is an application for condonation of delay in filing the revision of 14 days.
2. On due consideration and for the reasons mentioned in the application, the same is allowed. Delay in filing the revision is hereby condoned.
3. By way of this revision, the applicant has prayed that this Hon'ble Court may kindly be pleased to allow this revision and impugned



order dated 10.10.2025 passed by Family Court Mungeli (C.G.) in Misc. Criminal Case. No. 21/2024 may be set-aside in the ends of justice.

4. Brief facts of the case are that the Non-applicant had filed an application under Section 125 of the Cr.P.C. before the learned Family Court, Mungeli, wherein it was stated that the marriage between the applicant and the Non-applicant was solemnized on 03.06.2023 in accordance with Hindu rites and rituals. The Non-applicant contended that she and the applicant lived peacefully together till 28.10.2023. Thereafter, within a few months of the marriage, the family members of the applicant allegedly started harassing and torturing the Non-applicant. It was further alleged that the applicant called the father and brother of the Non-applicant and informed them that he did not wish to keep the Non-applicant with him and asked them to take her back to her parental home. Since then, the applicant and the Non-applicant have been living separately.
5. The applicant could not file a reply before the learned Family Court due to his non-appearance and the proceedings were conducted ex parte against him. The applicant subsequently filed his affidavit along with the affidavit of one Usha Banjare under Order XVIII Rule 4 of the CPC. In his affidavit, the applicant stated that he belongs to the Satnami caste and that he had already contracted marriage with one Alka in the year 2022 and that the parents of the Non-Applicant, by exerting undue influence, compelled him to marry the Non-Applicant. The applicant had also made a complaint in the year



2024 before the Superintendent of Police and the concerned Station House Officer alleging that the Non-applicant was threatening him and his parents, but no action was taken on the said complaint. Despite the same, the learned Family Court granted interim maintenance of Rs. 4,000/- per month to the Non-applicant vide order dated 06.05.2024.

6. After hearing both the parties, the learned family Court decided the matter whereby partly allowed the application filed by the wife under Section 125 of Cr.P.C. and directed the applicant to pay Rs. 10,000/- per month to the non-applicant/wife from the date of filing of application. Hence, this revision.
7. Learned counsel for the applicant submits that the impugned order passed by the learned Family Court is bad in law and on facts and is liable to be set aside. It is submitted that no lawful marriage was solemnized between the applicant and the Non-applicant, as the applicant was already married to one Alka Joshi in the year 2022 according to Hindu rites and rituals and therefore the Non-applicant is not entitled to maintenance. It is further submitted that the Non-applicant herself admitted in her cross-examination that she had not mentioned the date of marriage or specific allegations of cruelty in her application under Section 125 Cr.P.C., which indicates that the proceedings have been initiated only to harass the applicant. It is also submitted that the learned Family Court failed to consider that the applicant has limited sources of income and heavy financial liabilities, including repayment of a bank loan of Rs.12,00,000/- with monthly installments of Rs.20,000/-, and maintenance and medical



expenses of his aged and physically disabled parents, for whom he is paying maintenance of Rs.20,000/- per month as per Court order. It is further submitted that the Non-applicant is a well-educated lady possessing higher qualifications and is capable of maintaining herself and is also receiving financial assistance under the Mahtari Vandana Yojana, wherein she has declared her marital status as divorced. Despite these material facts, the learned Family Court has mechanically awarded maintenance of Rs.10,000/- per month to the Non-applicant, which is excessive and unsustainable in law. Thus the impugned order passed by the learned Family Court is bad and illegal on all counts and liable to be set-aside.

8. I have heard learned counsel for the applicant, perused the impugned order and other documents appended with revision.
9. From the perusal of the impugned order, it transpires that the learned Family Court, after a detailed consideration of all documents and evidence brought on record, had partly allowed the application filed under Section 125 of Cr.P.C. The Family Court concerned had awarded a maintenance amount of ₹10,000/- per month to the non-applicant/wife from the date of filing of application. While passing the said order, the learned Family Court had taken into account various relevant factors, including the income of the applicant/husband, the social and economic status of both parties, the standard of living, as well as the prevailing cost of living and the current price index. The Family Court had exercised its judicial discretion judiciously and arrived at a reasoned conclusion, considering the balance of financial capability of the applicant and



the genuine needs of the non-applicant. Therefore, the maintenance so awarded cannot be said to be shockingly on higher side or inadequate in the given circumstances.

10. 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, 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.
11. Accordingly, the revision being devoid of merit is liable to be and is hereby **dismissed**.
12. Office is directed to send a certified copy of this order to the Family Court concerned for necessary information and follow up action.

Sd/-

(Ramesh Sinha)
Chief Justice