



2026:CGHC:3902



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 292 of 2023

Gendika Singh W/o Krishna Kumar Dhruv Aged About 34 Years
Occupation - Housewife, R/o Village - Pachotiya, Police Station -
Jarhagaon, Tahsil And District - Mungeli (Chhattisgarh) Present Address -
Rajmahal Colony, Ward No. 09, Kawardha, Police Station And Tahsil -
Kawardha, District - Kabirdham Chhattisgarh.

... Applicant

versus

Krishna Kumar Dhruv S/o Ratiram Dhurv Aged About 34 Years
Occupation Lecturer Pranchyat, Higher Secondary School, Kotiya, Police
Station And Tahsil - Premnagar, District - Surajpur (Chhattisgarh)
Permanent Address - Village - Pachotiya, Police Station - Jarhagaon,
Tahsil And District Mungeli Chhattisgarh.

... Respondent

For Applicant : Mr. Chandrikaditya Pandey, Advocate

For Respondent : Mr. Parth Shrivastava, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

22.01.2026

1. This criminal revision has been filed by the applicant with the following prayer:

*"It is, therefore, most humbly and respectfully
prayed that this Hon'ble Court may kindly be
pleased to allow this revision petition and the*



impugned order dated 02.02.2023 passed by the learned Judge, Family Court, Kawardha, District - Kabirdham (C.G.) in Misc. Cri. Case No. 07/2018 may kindly be modified to the tune of Rs. 15,000/-, in the interest of justice.”

2. The facts of the case, in brief, are that the applicant filed an application under Section 125 of the Code of Criminal Procedure, 1973 seeking maintenance from the respondent, pleading that she is the legally wedded wife of the respondent and their marriage was solemnized on 09.05.2014 at Village Mahadevgarh, Post Kanteli, Police Station Lalpur, District Mungeli (C.G.) according to Hindu rites and rituals; it was averred that at the time of marriage, her father fulfilled the dowry demands raised by the respondent and his family members by giving gold and silver ornaments worth Rs. 2,00,000/-, cash of Rs. 50,000/- for purchase of a motorcycle and an additional Rs. 50,000/- after engagement, after marriage, the applicant initially went to her matrimonial home at Village Pachotiya and thereafter accompanied the respondent to Kotiya, where he was posted as a Lecturer, but soon she was subjected to cruelty and harassment on account of demand of Rs. 5,00,000/-, and within 15-20 days she came to know about the illicit relationship of the respondent with another woman, which she disclosed to her parents and sister, despite reconciliation efforts and social meetings, the respondent repeatedly refused to keep the applicant unless the dowry demand was fulfilled, and although on 10.06.2016 he again took her with him, the cruelty continued and he even



brought his girlfriend to the house in the presence of the applicant. It was further alleged that during pregnancy the applicant was neglected, resulting in medical complications and abortion at Lifecare Hospital, Bilaspur, for which her father incurred expenses of Rs. 1,30,000/-; thereafter, the respondent intermittently left the applicant at her maternal house and finally drove her out in September 2017 on account of dowry demand, compelling her to reside with her sister at Kawardha without any independent source of income, whereas the respondent, being a Panchayat Lecturer, was earning Rs. 25,000/- per month, likely to increase to Rs. 35,000/-, and was also deriving income of about Rs. 1,00,000/- per annum from ancestral agricultural land, having no dependent parents; upon notice, the respondent appeared and denied the allegations, contending *inter alia* that an affidavit was executed in a social meeting, disputing knowledge of the pregnancy and abortion, alleging that the applicant's father was financially sound, and further asserting that both parties belong to a Scheduled Tribe and, therefore, the Hindu Marriage Act is not applicable, after recording evidence and hearing the parties, the learned Family Court, Kawardha partly allowed the application and granted maintenance of Rs. 6,000/- per month from the date of application vide order dated 02.02.2023, being aggrieved, the applicant filed Criminal Revision No. 434/2022 under Section 19(4) of the Family Courts Act, pursuant to which notice was issued, and meanwhile the respondent moved an application under Section 126(2) Cr.P.C., resulting in rehearing of the matter and passing of the impugned



order dated 02.02.2023. Aggrieved by the said interim order, the applicant has preferred the present revision.

3. Learned counsel for the applicant submits that the impugned order dated 02.02.2023 (Annexure A-1) passed by the learned Judge, Family Court, Kawardha, District Kabirdham (C.G.) is illegal, arbitrary, perverse and contrary to the evidence available on record and, therefore, deserves to be set aside/modified, inasmuch as the learned Court has gravely erred in granting a meagre maintenance allowance of only Rs. 6,000/- per month to the applicant despite the admitted fact that the respondent is a Government employee drawing a monthly salary of Rs. 58,962/- and has also acknowledged ownership of agricultural land, whereas the applicant has no independent source of income and is unable to maintain herself. It is further submitted that the learned Court failed to appreciate the pleadings and evidence in proper perspective and overlooked the fact that the respondent has sufficient means, no dependent liabilities and is willfully neglecting to maintain his legally wedded wife, and thus the determination of maintenance has been made on erroneous assumptions and irrelevant considerations, rendering the findings perverse and unsustainable in law. It is also contended that earlier the learned Court had granted maintenance of Rs. 6,000/- per month when the income of the respondent was assessed at Rs. 40,000/- to Rs. 42,000/- per month, however, despite a substantial increase in his income to Rs. 58,962/- per month, the maintenance amount has been unjustifiably reduced, which is wholly arbitrary and contrary to settled principles of law;



furthermore, the learned Court below has erred in not awarding any litigation expenses to the applicant, who has been compelled to contest the proceedings without any financial support, and therefore the impugned order deserves to be modified by enhancing the maintenance allowance to Rs. 15,000/- per month in favour of the applicant along with litigation expenses at the rate of Rs. 2,000/- per hearing from the date of application till final disposal of the case.

4. On the other hand, learned counsel, appearing for the respondent opposes the prayer made by the learned counsel for the applicant and supports the impugned order passed by the learned Judge, Family Court, Kawardha, District - Kabirdham (C.G.).
5. I have heard learned counsel for the parties, perused the pleadings and documents appended thereto.
6. From the perusal of the impugned order, it transpires that the learned Family Court, Kawardha, after appreciating the pleadings of the parties, examining the oral and documentary evidence on record and hearing the arguments advanced by both sides, has rightly passed the impugned order dated 02.02.2023 granting maintenance in favour of the applicant, as the Court has correctly recorded findings on the material issues that the applicant is the legally wedded wife of the respondent, that she was subjected to cruelty and neglect on account of dowry demands, and that she has no independent source of income to maintain herself, whereas the respondent is a salaried Panchayat Lecturer having sufficient means and additional income from agricultural land, the learned



Court has judiciously exercised its discretion under Section 125 of the Code of Criminal Procedure, 1973 by considering the financial capacity of the respondent, the needs of the applicant and the surrounding circumstances of the case, and has awarded maintenance of Rs. 6,000/- per month from the date of application, which is reasonable, just and in consonance with the settled principles of law, the findings recorded by the learned Family Court are based on proper appreciation of evidence and are neither perverse nor arbitrary.

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 Family Court has not committed any illegality or infirmity or jurisdictional error in the impugned order warranting interference by this Court.
8. Accordingly, the criminal revision, being devoid of merit, is liable to be and is hereby **dismissed**.
9. Let a certified copy of this order as well as original records be transmitted to the trial Court concerned forthwith for necessary information and compliance.

Sd/-
(Ramesh Sinha)
Chief Justice

Rahul Dewangan