



2026:CGHC:1088

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 217 of 2022**

Smt. Dharmita Kujur @ Dharmi W/o Shailendra Kujur @ Jagdish Aged About 45 Years R/o Village- Parsadeepa, Halmukam- Akamba, P.S.- Sanna, Post- Akamba, Tahsil-Bagicha, District- Jashpur, Chhattisgarh, District : Jashpur, Chhattisgarh.

... Applicant**versus**

Shailendra Kujur@ Jagdish S/o Late Bolo Ram Aged About 48 Years R/o Village- Parsadeepa, P.S.- Sanna, Post- Akamba, Tahsil- Bagicha, District- Jashpur, Chhattisgarh, District : Jashpur, Chhattisgarh.

... Respondent

For Applicant : Mr. Akath Kumar Yadav, Advocate

For Respondent : Ms. Kaushalya Yadav, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****07.01.2026**

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

"It is, therefore prayed that this Hon'ble Court may kindly be pleased to allow this revision and suitably enhances the maintenance amount, in the interest of justice."

2. The facts of the case, in brief, are that the applicant and the respondent are legally wedded spouses, whose marriage was solemnized as per their customs at Parsadeepa, District Jashpur.



Due to matrimonial discord and the respondent contracting a second marriage, the applicant was subjected to cruelty and was denied cohabitation, compelling her to file an application under Section 125 of the Code of Criminal Procedure before the Family Court, Jashpur, which was allowed vide judgment dated 22.04.2016, granting maintenance of Rs.4,000/- per month. At the time of passing of the said order, the respondent was not regularized in service and was earning approximately Rs.8,000/- per month. Subsequently, the respondent became a regular government employee working as an Assistant Teacher at Block Bagicha, District Jashpur, and is presently drawing a monthly salary of Rs.36,379/-. Owing to the substantial change in circumstances, the applicant filed an application under Section 127 Cr.P.C. seeking enhancement of maintenance to Rs.12,000/- per month. Although the Family Court recorded the statements of the applicant, her witnesses, and the respondent, it enhanced the maintenance by merely Rs.1,000/-, which is illegal, arbitrary, and contrary to the provisions of Cr.P.C. Therefore, being aggrieved by the impugned order and the non-consideration of material facts, the applicant has preferred the present revision before this Hon'ble Court.

3. Learned counsel for the applicant submits that the impugned order passed by the learned Family Court is bad in law, perverse, and suffers from serious factual and legal infirmities, as the same has been passed without proper appreciation of the facts, evidence, and documents available on record. It is further submitted that the learned Court below has failed to consider the statements of the



applicant and her witnesses, thereby committing a legal error and acting in violation of the principles of natural justice. Learned counsel contends that at the time when maintenance of Rs.4,000/- per month was granted, the respondent was not regularized in service and was earning approximately Rs.8,000/- per month, whereas at present he is a regular government employee drawing a monthly salary of Rs.36,379/-, which clearly constitutes a substantial change in circumstances. Despite framing the issue and considering the pleadings of both parties, the learned Family Court has enhanced the maintenance by only Rs.1,000/- against the claimed amount of Rs.12,000/-, which is arbitrary, illegal, and contrary to the provisions of the Code of Criminal Procedure, and therefore the impugned order is liable to be set aside and the maintenance amount deserves suitable enhancement.

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 Family Court, Jashpur, District- Jashpur, (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, after duly considering the pleadings of both the parties, the evidence available on record, and the statements of the applicant, her witnesses, as well as the respondent, has rightly passed the impugned order. The learned Court has taken note of the fact that the parties are legally wedded spouses and that



maintenance of Rs.4,000/- per month had earlier been granted vide order dated 22.04.2016 under Section 125 Cr.P.C. While deciding the application under Section 127 Cr.P.C., the learned Family Court properly examined the alleged change in circumstances, including the present employment and income of the respondent, and thereafter exercised its judicial discretion in enhancing the maintenance amount. The learned Court has framed the relevant issues, appreciated the oral and documentary evidence in its correct perspective, and has passed a reasoned and well-considered order enhancing the maintenance by Rs.1,000/- per month. The impugned order is strictly in accordance with the provisions of the Code of Criminal Procedure.

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