



2026:CGHC:4204



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 339 of 2024**

Smt. Swati Koshley W/o Dahruram Koshley Aged About 35 Years Present
Address- Verma Fancy Stores, Vidhansabha Road Saddu, Bajrangpara, Raipur,
Tahsil and District- Raipur, C.G.

... Applicant**versus**

Dahruram Koshley S/o Rekhchand Koshley Aged About 43 Years R/o Lohjhar
(Khatti) Ward No. 14, P.S.- Chura, District : Gariyabandh, Chhattisgarh

... Non-Applicant

For Applicant : Mr. Hemant Gupta, Advocate.

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****23.01.2026**

1. This criminal revision has been filed by the applicant being aggrieved with the impugned order dated 23.11.2023 passed by the learned Principal Judge, Family Court, Raipur, District – Raipur (C.G.) in Criminal Misc. Judicial Case No.75/2022, whereby the learned Family Court has partly allowed the maintenance application of the applicant/wife and directed the husband to pay amount of Rs. 6,000/- per month.
2. The brief facts of the case is that the marriage between the applicant and the non-applicant is a love marriage and was solemnized according to Hindu rites and customs on 15.12.2005. Out of the said wedlock, they were blessed with two children, namely Miss Kashish, aged about 16 years, and Master Vaibhav Koshley, aged about 13 years. The applicant



was subjected to physical cruelty and false allegations of having illicit relations with another man. Being tired and defeated due to continuous harassment, the applicant made a complaint before the Sakhi Center on 12.09.2020. Despite this, the non-applicant again assaulted the applicant with hands and fists on 21.05.2021, resulting in serious injuries on her face, left eye, and hands. Consequently, the applicant lodged a report at Police Station Chura, District Gariyaband, and offences under Sections 294 and 323 of IPC were registered against the non-applicant. Thereafter, the non-applicant forcibly drove the applicant/wife out of the matrimonial home, compelling her to live separately. Since then, all her expenses have been borne by her parents. The non-applicant/husband is working as a Shiksha Karmi-III at Primary School, Vidhya Mandir, Lohkhar, Block Chura, District Gariyaband, and was drawing a salary of ₹40,680/- per month as of April 2021. He is also running a car on hire, earning more than Rs.40,000/- per month, and further owns agricultural land, from which he earns approximately Rs.3,00,000/- per annum. The applicant/wife has no independent source of income. The non-applicant/husband married the applicant to take care of his son and daughter; however, after some time, his behavior changed. He started demanding money beyond her capacity and forcibly pressurized the applicant to transfer all properties and the house in his name. The greed of the non-applicant/husband was excessive, to the extent that he sent his own father to an old-age home. When police action was taken against him, he started making false allegations regarding the applicant's character. Even otherwise, the non-applicant has failed to bear the expenses of the applicant. The non-applicant/husband is habitual of making false allegations against the applicant and her family members at Ralpur, for which the applicant and her sister had to visit the police



station. Considering all these circumstances and being harassed continuously, the applicant/wife filed an application under Section 125 of Cr.P.C. before the learned Family Court at Raipur, which was registered as Criminal Miscellaneous Judicial Case No. 75/2022. The learned Family Court, after examining the evidence on record and applying its judicial mind, allowed the application filed under Section 125 of Cr.P.C. and granted Rs.6,000/- per month as maintenance and Rs.2,000/- towards litigation expenses vide order dated 23.11.2023. Although the application of the applicant/wife was rightly allowed by the learned Family Court, considering the actual income of the non-applicant and the prevailing price-rise, the applicant is entitled to enhancement of the maintenance amount. Hence, this petition.

3. Learned counsel appearing for the applicant submits that the order passed by the learned Family Court is bad in the eyes of law and contrary to the settled principles of law. As per the affidavit filed by the non-applicant before the learned Family Court in compliance with the guidelines of the Hon'ble Supreme Court, and also as per his statement before the Court, the non-applicant/husband has admitted that he is working as a teacher and is drawing a salary of Rs.40,680/- per month. He has also not denied that he owns agricultural land, from which he earns approximately Rs.3,00,000/- per annum, and that he runs a tour and travel business, earning more than Rs.40,000/- per month. On the other hand, the applicant/wife is living hand to mouth. Thus, the maintenance amount deserves to be enhanced to 50% of the non-applicant's gross income from all sources, as stated above. The applicant/wife is not capable of earning and is unable to maintain herself, which stands proved from her own statement and the statements of her witnesses. The same has not been denied by the non-applicant in his



statement before the Court. It is humbly submitted that although the learned Family Court entertained the application filed by the applicant/wife, the amount of maintenance has not been properly assessed in light of the law laid down by the Hon'ble Supreme Court in Rajnesh vs. Neha, and therefore the maintenance amount deserves to be enhanced accordingly. The non-applicant failed to produce any documentary evidence regarding the alleged income of the applicant or to substantiate the allegations levelled against her. Despite this, the learned Trial Court awarded only Rs.6,000/- per month as maintenance, which is grossly inadequate. The non-applicant has deserted the applicant willfully and without just cause and is a financially capable person.

4. I have heard learned counsel for the applicant, perused the impugned order, pleadings and documents appended thereto.
5. Considering the submissions advanced by the learned counsel for the applicant, and from the perusal of the impugned order passed by the learned Family Court, it transpires that after hearing all the statements of the witnesses and perusing the evidence available on record, the learned Family Court has passed the impugned order, and there is no any illegality and infirmity while passing the same which requires interference by this Court.
6. Accordingly, the present revision, being devoid of merit, is liable to be and is hereby **dismissed**.
7. Let the certified copy of the this order be sent to the concerned trial Court for necessary compliance and follow up action, if any.

Sd/-
(Ramesh Sinha)
Chief Justice