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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRR No. 306 of 2026**

Rita Jalan W/o Shri Amit Jalan Aged About 40 Years R/o Khatu Shyam Mandir Road, Near Homeopathic College, Raju Badi, Ram Kund, Raipur, Distt. Raipur, Chhattisgarh.

... Applicant**versus**

Amit Jalan S/o Shri Gopal Prasad Jalan Aged About 45 Years R/o 27 Away Guha Road, Second Floor, Room No. 205, Near Post Office, Don Bosco School, Liluha, Howra, West Bengal, Pin 711204.

... Respondent

For Applicant : Mr. Vivek Kumar Agrawal, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****27.02.2026**

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

"It is therefore prayed that this Hon'ble Court be pleased to call for entire records of the case and modify the impugned order Annexure P-1 i.e. the order dated 28/01/2026 passed by the Learned first Additional, principal Judge, family court, Raipur, in



M.C.C. No.113/2021 and modify & enhance the amount of maintenance amount in favour of the applicant from the date of application i.e. 04/02/2021 in the interest of justice.”

2. The facts of the case, in brief, are that the applicant and respondent are legally wedded spouses, their marriage having been solemnized on 12.12.2013, and soon thereafter the applicant was allegedly subjected to continuous mental and physical cruelty and harassment for dowry to the tune of Rs. 10,00,000/- by the respondent and his family members, compelling her to reside separately since 09.02.2015. The applicant initially filed an application under Section 125 Cr.P.C. before the Family Court, Raipur, in MJC No. 145/2015, which was partly allowed vide order dated 02.05.2019 granting maintenance of Rs. 15,000/- per month. Subsequently, on account of change in circumstances and increase in the respondent's income, the applicant preferred an application under Section 127(2) Cr.P.C. seeking enhancement to Rs. 60,000/- per month; however, the learned Family Court enhanced the amount only by Rs. 4,000/- and fixed maintenance at Rs. 19,000/- per month from the date of order. In parallel proceedings under the Domestic Violence Act, the learned JMFC, Raipur, vide order dated 06.03.2024, awarded Rs. 7,000/- per month, which was affirmed in appeal and revision up to this Hon'ble Court. The applicant contends that the respondent, who is working as a Senior Manager/Branch Manager in Axis Bank, Kolkata, has concealed his actual income despite directions in *Rajneesh v. Neha*, and that his



income, as per ITR records, is substantially higher than disclosed. It is further contended that the applicant is a non-working housewife suffering from ailments and financial hardship, and that the impugned order dated 28.01.2026 passed by the learned Family Court enhancing the maintenance to Rs. 19,000/- per month. Being aggrieved by the said order, the applicant has preferred the present revision.

3. Learned counsel for the applicant submits that the impugned order dated 28.01.2026 is illegal, arbitrary and liable to be set aside, as the learned Family Court has failed to properly appreciate the material evidence regarding the respondent's actual income and financial capacity. It is submitted that the respondent has been a salaried employee since 2007 and is presently working as a Senior Manager in Axis Bank, Kolkata, earning substantially higher income than disclosed, as reflected from his Income Tax Returns, yet he has deliberately withheld Form-16 and current ITR documents despite directions in *Rajneesh v. Neha*. The courts below have further erred in granting only a meagre enhancement of Rs. 4,000/- and fixing maintenance at Rs. 19,000/- per month from the date of order instead of from the date of application i.e. 04.02.2021, ignoring the applicant's long-pending litigation since 2015, her continuous medical ailments requiring substantial monthly expenditure, and her residence in a rented accommodation at Raipur. It is contended that the applicant is a non-earning lady dependent upon maintenance, and the amount awarded is grossly inadequate to maintain her dignity and standard of living



commensurate with the respondent's status. It is further submitted that the respondent is misleading the Court by projecting inflated figures of total maintenance, whereas in reality only Rs. 19,000/- per month is being paid, causing severe financial hardship to the applicant; hence, the maintenance amount deserves suitable enhancement in accordance with law.

4. I have heard learned counsel for the applicant, perused the pleadings and documents appended thereto.
5. From the perusal of the impugned order, it transpires that the learned Family Court has rightly appreciated the pleadings, evidence and material available on record and has passed a reasoned and well-considered order dated 28.01.2026. The learned Court, after taking into account the earlier order passed under Section 125 Cr.P.C., the subsequent application under Section 127(2) Cr.P.C. on the ground of change in circumstances, and the rival submissions regarding the income and liabilities of the respondent, has exercised its discretion judiciously in enhancing the maintenance from Rs. 15,000/- to Rs. 19,000/- per month. The learned Court has duly considered the status of the parties, the financial capacity of the respondent, and the needs of the applicant, and has granted enhancement in accordance with settled principles governing maintenance.
6. 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



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Family Court has not committed any illegality or infirmity or jurisdictional error in the impugned order warranting interference by this Court.

7. Accordingly, the criminal revision, being devoid of merit, is liable to be and is hereby **dismissed**.
8. Let a certified copy of this order be transmitted to the trial Court concerned forthwith for necessary information and compliance.

**Sd/-
(Ramesh Sinha)
Chief Justice**

Rahul Dewangan