



2025:CGHC:47299



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 402 of 2020

Ramlal S/o Kedar Ram, Aged About 27 Years Village - Kailashpur
(Kotari) Junapara, Post Tahsil - Ramanujnagar, District - Surajpur
Chhattisgarh., District : Surajpur, Chhattisgarh

... Applicant(s)

versus

Dhanmet D/o Kamleahwar, Aged About 24 Years W/o Ramlal, R/o
Village - Bailtekri, Tahsil - Surajpur, District - Surajpur Chhattisgarh.,
District : Surajpur, Chhattisgarh

... Respondent(s)

For Applicant(s) : Mr. Rishikant Mahobia, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

15/09/2025

1. The applicant has filed this criminal revision against the order dated 07.01.2020 passed by learned Family Court, Surajpur, District – Surajpur (C.G.) in Misc. Criminal Case No.168/2019, whereby, the learned Family Court partly allowed the application under Section 125 Cr.P.C. filed by the respondent and directed



the applicant to pay Rs.2,500/- per month to respondent, towards maintenance.

2. Brief facts necessary for disposal of this revision are that the respondent filed an application under Section 125 Cr.P.C. seeking monthly maintenance of Rs.5,000/-, alleging that she was married to the applicant in 2014 according to their caste and custom, and that they have a two-year-old son. She claimed the applicant habitually assaulted her after consuming alcohol and threatened to kill her, forcing her to leave for her parental home. Although the parties later compromised and she returned, the applicant again assaulted and eventually drove her out. She stated she has no independent source of income while the applicant earns from agricultural land, and therefore sought Rs.2,500/- per month as maintenance. The applicant denied all allegations, asserting he neither assaulted nor expelled his wife and further claimed he is often ill and unable to work. After recording evidence and hearing both sides, the learned Family Court nevertheless partly allowed the wife's application and awarded her Rs.2,500/- per month as maintenance. Hence, the revision.
3. Learned counsel for the applicant submits that the learned Family Court erred in awarding Rs.2,500/- per month as maintenance without properly considering that the applicant has no steady income, suffers from ill health, and can barely meet his own daily needs. The wife is living separately at her parents' house by choice, despite a village meeting urging reconciliation, and thus



falls under Section 125(4) Cr.P.C., which bars maintenance when a wife lives apart without sufficient cause. She also holds a below-poverty-line ration card and is registered under the Mahatma Gandhi National Rural Employment Guarantee Scheme, from which she receives free rations and regular wages. In these circumstances, she is not entitled to maintenance, alternatively, the maintenance amount should be substantially reduced to a level the applicant can reasonably pay.

4. I have heard learned counsel for the applicant, perused the impugned order and other documents appended with criminal revision.
5. From perusal of the impugned order, it transpires that the learned Family Court partly allowed the application under Section 125 Cr.P.C. filed by the respondent and directed the applicant to pay Rs.2,500/- per month to respondent, towards maintenance observing the evidence, held that the wife proved she was subjected to abuse and assault by the husband and therefore had sufficient cause to live separately. She has no independent source of income, while the husband, a healthy 27-year-old, can earn about Rs.10,000 per month through labour. Consequently, under Section 125 Cr.P.C., the Family Court concluded that the respondent is entitled to maintenance as aforementioned, which cannot be said to be on higher side.
6. Considering the submissions 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 Family Court has not committed any illegality or infirmity or jurisdictional error in the impugned order warranting interference by this Court.

7. Accordingly, the revision being devoid of merit is liable to be and is hereby **dismissed**.
8. Registrar (Judicial) is directed to transmit the original record to the concerned Family Court within a week from today for necessary information and follow up action.

Sd/-

(Ramesh Sinha)
Chief Justice

Akhil