



2025:CGHC:38895



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 281 of 2023**

1. Dagesh Sahu S/o Yashvant Sahu Aged About 2 Years Minor Through Natural Guardian Mother Smt. Sarita Sahu W/o Yashvant Sahu, R/o Village Sonpuri, Tahsil, Police Station And District Kawardha, District (Kabirdham), At Present R/o Village Bhedni, Tahsil Berla, Out Post Devarbija, Police Station And District Bemetara, Chhattisgarh.
2. Smt. Sarita Sahu W/o Yashvant Sahu Aged About 22 Years R/o Village Sonpuri, Tahsil, Police Station And District Kawardha, District (Kabirdham), At Present R/o Village Bhedni, Tahsil Berla, Out Post Devarbija, Police Station And District Bemetara, Chhattisgarh.

... Applicants**versus**

Yashvant Sahu S/o Ganeshram Sahu Aged About 23 Years R/o Village Sonpuri, Tahsil, Police Station And District Kawardha, District - Kabirdham, Chhattisgarh.

... Respondent

For Applicants	: Mr. Dharmesh Shrivastava, Advocate.
For Respondent	: Mr. Samir Singh, Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****05.08.2025**

1. Heard Mr. Dharmesh Shrivastava, learned counsel, appearing for the applicants. Also heard Mr. Samir Singh, learned counsel, appearing for the respondent.



2. The present revision has been filed by the applicants 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 01.12.2022 (Annexure A-1) passed by the learned Judge, Family Court, Bemetara, District Bemetara (C.G.) may kindly be modified to the tune of Rs. 15,000/- per month to the applicants by the non-applicant, in the interest of justice. "

3. Facts of the case are that the applicants preferred an application under Section 125 of the Code of Criminal Procedure, 1973, against the respondent seeking grant of maintenance, claiming that the applicant No. 1 is the legally wedded wife who was deserted by her husband due to acts of cruelty. The marriage was solemnized on 07.05.2019 as per the customs and rituals of the Hindu religion and caste. The brief facts of the applicants' case are that the respondent started subjecting applicant No. 1 to cruelty merely 2 to 4 months after the marriage, particularly on account of dowry demands. Applicant No. 1 was subjected to cruelty not only by the respondent but also by his family members, namely her father-in-law, mother-in-law, brother-in-law (Jeth), and sisters-in-law (Jethani and Nanand), demanding a dowry in the form of a car. The respondent asked applicant No. 1 to bring a car from her parental home and stated that he would keep her with him only if she fulfilled the demand. He further said that he did not like applicant No. 1 and had married her only for dowry. It was also alleged that the applicant No. 1 was subjected to cruelty by all the family members, including her husband. Even after the birth of a child, the cruelty continued. The



husband went to the extent of alleging that he was not the biological father of the child. It was further alleged that, just after Holi in the year 2022, the family members of applicant No. 1 visited their house on her request, but the respondent and his entire family misbehaved with them, and ultimately, applicant No. 1 and her child were sent back with her father.

4. It was further alleged that, after some time, the respondent started living with another woman named Chhoti. The application further mentions that the respondent is a young man who owns 40 acres of agricultural land and earns around Rs. 20 lakhs per year from agricultural activities. Additionally, he has a house in Kawardha from which he earns around Rs. 3 lakhs per year as rental income. It was stated that the applicants are unable to maintain themselves, and hence, they prayed for maintenance of Rs. 15,000/- per month from the non-applicant.
5. Upon being served with notice by the Family Court, Bemetara, the respondent appeared and submitted his reply, categorically denying all the allegations made by the applicants. In his reply, the respondent submitted that applicant No. 1 (wife) wanted to live in her parental home (Myka), and on his refusal to let her go, she threatened to falsely implicate the entire family in a criminal case. It was further stated that applicant No. 1 used to lie idle on the bed while all household work was performed by the elder daughter-in-law (Bahu) of the family. The respondent also alleged that applicant No. 1 used to frequently demand jewelry and saris. However, during her pregnancy, proper care was taken by the in-laws. The applicant No. 1 allegedly insisted on living separately from the in-laws, and as a result, a social meeting was held on 08.03.2022, during which the respondent's father separated the couple.



The parents of applicant No. 1 were also present during the meeting and expressed their desire to take their daughter to the village for a few days. Since then, applicant No. 1, along with her child, has been residing in her parental home. The respondent further submitted that he has not married any other woman, that he owns neither agricultural land nor a house, and that applicant No. 1 is capable of maintaining herself. He expressed willingness to keep the applicants with him and prayed for rejection of the application under Section 125 of the Code of Criminal Procedure, 1973.

6. Learned Family Court framed as many as four issues for determination. After hearing the parties, perusing the records, and recording the evidence, the Court partly allowed the application and granted maintenance of Rs. 2,000/- per month to applicant No. 1 and Rs. 4,000/- per month to applicant No. 2, totaling Rs. 6,000/- per month, with effect from the date of filing of the application, i.e., 17.06.2022.
7. Learned counsel for the applicant submits that the impugned order dated 01.12.2022 (Annexure A-1) passed by the learned Judge, Family Court, Bemetara, District Bemetara (C.G.) is bad in law, illegal, perverse, and contrary to the evidence available on record, and therefore deserves to be set aside. Learned Family Court erred in granting a maintenance allowance of only Rs. 6,000/- per month to the applicants, who are the son and wife of the respondent, despite the fact that the respondent earns approximately Rs. 20 lakhs annually from agricultural work and Rs. 3 lakhs per year from rental income from his house situated in Kawardha. In addition, he is also engaged in the business of sale and purchase of grains. The applicants, on the other hand, have no source of income. He further submits that the learned Family Court failed to appreciate the applicants' application in its proper perspective. It also erred in



disregarding the facts presented by the applicants, particularly that the respondent is a businessman, has no financial liabilities, has sufficient means, and is neglecting to maintain his wife and son (the applicants). Therefore, the impugned order may kindly be modified by enhancing the maintenance allowance. He further submits that learned Family Court also erred in its findings with regard to the determination of relevant facts. The alimony was fixed on the basis of incorrect assumptions, and material facts were wrongly interpreted. The findings are perverse and bad in law, and therefore the order deserves to be modified by enhancing the maintenance allowance to Rs. 15,000/- per month in favour of the applicants, as they are unable to maintain themselves. Learned Family Court also erred in not granting any amount towards litigation expenses. It is therefore prayed that the order be modified by awarding Rs. 2,000/- per hearing from the date of the application till the final disposal of the case. Hence, the impugned order passed by the learned Judge, Family Court, Bemetara, District Bemetara (C.G.), is bad and illegal on all counts and is liable to be set aside/modified by enhancing the maintenance amount to Rs. 15,000/- per month.

8. On the other hand, learned counsel, appearing for the respondent opposes the prayers and submissions made by learned counsel for the applicants.
9. I have heard learned counsel for the parties, perused the pleadings and documents appended thereto.
10. From perusal of the impugned order, it transpires that the learned Family Court concerned, after considering all the documents and evidence adduced by the parties, has partly allowed the application under Section 125 of the CrPC filed by the applicants and has awarded maintenance of



Rs. 2000/- to applicant No. 1 and Rs. 4000/- to applicant No. 2, observing the income, social and economic status of both parties and the current price index, which cannot be said to be on the lower side.

11. 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 learned Family Court has not committed any illegality or infirmity or jurisdictional error in the impugned order warranting interference by this Court.
12. Accordingly, the criminal revision, being devoid of merit, is liable to be and is hereby **dismissed**.

Sd/-
(Ramesh Sinha)
Chief Justice

Abhishek