



2025:CGHC:38894

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRR No. 283 of 2023**

Smt. Kaushilya Kurre W/o Shri Santosh Kurre Aged About 35 Years R/o Village Sukhlal Post, Police Station, And Tahsil Kawardha, Present Address Village Podi, Tahsil Bodla, District Kabirdham Chhattisgarh

... Applicant**versus**

Santosh Kurre S/o Kaleshwar Kurre Aged About 39 Years R/o Village Sukhatal, Post Police Station And Tahsil Kawardha, District Kabirdham Chhattisgarh Occupation Teacher (L.B.) (Wrongly Mentioned As L.D. In The Order Sheet), Government Primary School, Sarangpur Kala, Block Bodla, District Kabirdham Chhattisgarh

... Respondent

For Applicant : Mr. Dharmesh Shrivastava, Advocate.

For Respondent : Mr. Samir Singh, Advocate.

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SHRIVASDigitally signed by
ABHISHEK SHRIVAS
Date: 2025.08.06
10:48:26 +0530**Hon'ble Shri Ramesh Sinha, Chief Justice****Order on Board****05.08.2025**

1. Heard Mr. Dharmesh Shrivastava, learned counsel appearing for the applicant. Also heard Mr. Samir Singh, learned counsel, appearing for the respondent.
2. The present revision has been filed by the applicant 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 03.11.2022, passed by the learned Judge, Family Court, Kawardha, District Kabirdham (C.G.) in Misc. Cri. Case No. 37/2020 may kindly be modified, in the interest of justice.”

3. Facts of the case are that the applicant preferred an application under Section 125 of the Code of Criminal Procedure, 1973 against the respondent for maintenance, claiming that she is the legally wedded wife of the respondent. Their marriage was solemnized about 15 years ago according to Hindu rites and rituals at Village Ghothiya, Kawardha, District Kabirdham (C.G.). It is an admitted fact in this case that two children, namely Rashmi Kurre and Prashant Kurre, were born from this wedlock and are presently residing with the respondent. The application for grant of maintenance under Section 125 of the Code of Criminal Procedure, 1973 was filed by the applicant against the respondent stating, inter alia, that she is a less-educated woman and her parents are no longer alive. She stated that she was raised by her uncle and aunt, who arranged her marriage with the respondent. It was further stated that about 7-8 years after the marriage, the respondent secured a government job, after which the entire family started living in Korba. Subsequently, the respondent told the applicant that since she is less educated, he would remarry and asked her either for a divorce or for consent to keep another wife. Thereafter, he started committing cruelty against her. It was further stated that the respondent was later transferred from Korba to Chilfi, District Kabirdham, during which period the cruelty continued. The respondent was again transferred to Government Primary School, Sarangpur Kala, where the applicant continued to face physical abuse. It was alleged that three years prior to

filing the application, the applicant was dropped off at her parental home with the condition that she would only be allowed to live with the respondent if she agreed to let him keep another wife. Thereafter, she was abandoned at Village Ghothiya without any reason and was never taken back by the respondent, nor did he make any arrangements for her maintenance. It was further alleged that the applicant went to the respondent's house at Village Sukhatal to meet him and the children, but each time, the respondent closed the door and did not allow her to meet the children. The applicant is now facing severe hardships and is dependent on her uncle and aunt for survival. She has no source of income and is also unable to do manual labor. However, it was stated that the applicant is working as a Teacher (L.B.) and is posted at Government Primary School, Sarangpur Kala, Block Bodla, earning approximately Rs. 36,000/- per month.

4. It was also stated that there is 3 acres of agricultural land registered in the name of the father of the respondent, out of which the respondent has received his share of 1 acre and earns about Rs. 50,000/- per year from it. Therefore, the applicant is entitled to claim maintenance from the respondent and accordingly prayed for the same.
5. After being served with notice by the learned Judge, Family Court, the respondent appeared and filed a reply denying the contentions raised in the application under Section 125 Cr.P.C. He stated that he never harassed the applicant and that after his transfer to Chilfi, the entire family, including his parents, resided together at Village Sukhatal. He further stated that he desires to provide a better life for his children; his daughter is studying in Class 12th at Allons Public School, Bemetara, for which he has to bear substantial expenses. In addition, due to his

children's education and the medical treatment of his aged parents, he had to take a personal loan. Both children are residing with him and are pursuing their education. He further alleged that the applicant used to leave the house without informing anyone and was involved in immoral activities. He claimed that three years prior, the applicant was caught in an objectionable situation with two boys, which he reported to the local police. The Station House Officer scolded the applicant, who allegedly replied that she had no relationship with the respondent or his children. Thereafter, she voluntarily left to live elsewhere with the two boys, thereby ruining the lives of the respondent and his children.

6. He further stated that he earns Rs. 28,000/- per month, out of which Rs. 17,000/- is deducted towards repayment of the personal loan. He alleged that the applicant runs a beauty parlour, is involved in illicit activities, and earns more than Rs. 20,000/- per month. Since he is maintaining his parents and children from his income, he prayed for dismissal of the application filed by the applicant.
7. Learned Family Court framed a single issue for adjudication — whether the applicant is entitled to receive maintenance from the respondent. The statements of both parties were recorded, documentary evidence was considered, and arguments were heard by the learned Judge, Family Court, Kawardha, District Kabirdham (C.G.), after which an order was passed. The application filed by the applicant was partly allowed. The learned Family Court granted a maintenance allowance of Rs. 2,500/- per month to the applicant from the date of the application, by the impugned order.
8. Learned counsel for the applicant submits that the impugned order dated 03.11.2022 (Annexure A-1) passed by the learned Judge, Family Court,

Kawardha, District Kabirdham (C.G.), is bad in law, illegal, perverse, and contrary to the law and evidence available on record, and deserves to be set aside. Learned Family Court erred in granting a maintenance allowance of only Rs. 2,500/- per month from the husband, who earns Rs. 36,000/- per month as salary. He has also admitted that he owns agricultural land. The Court further erred in relying upon the submission of the respondent that the applicant is involved in illicit activities and earns Rs. 20,000/- per month, whereas the applicant has no independent source of income. He submits that the learned Family Court below failed to appreciate the applicant's application in its proper perspective. The Court also erred in disregarding the facts brought on record by the applicant, the respondent is a government employee who has sufficient means and is deliberately neglecting to maintain his wife, i.e., the applicant. Therefore, the impugned order deserves to be modified by enhancing the maintenance allowance. He further submits that learned Family Court erred in determining the relevant facts, and the findings regarding the amount of alimony were based on incorrect presumptions and misappreciation of the contentions raised. The conclusions drawn are perverse, bad in law, and call for modification by increasing the maintenance amount to Rs. 7,000/- per month in favour of the applicant, as she is unable to maintain herself. He also submits that learned Family Court below further erred in not awarding any amount towards litigation expenses incurred by the applicant for filing the present case. The same may kindly be modified by awarding Rs. 2,000/- per hearing from the date of the application till the final disposal of the case. Therefore, the impugned order passed by the learned Judge, Family Court, Kawardha, District Kabirdham (C.G.), is bad in law on all counts and is liable to be set aside/modified by enhancing the maintenance amount to Rs. 7,000/-

per month from the date of the application.

9. On the other hand, learned counsel for the respondent opposes the submission and prayers made by learned counsel for the applicant.
10. I have heard learned counsel for the parties, perused the pleadings and documents appended thereto.
11. 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 applicant and has awarded maintenance of Rs. 2,500/- to the applicant, 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.
12. 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.
13. Accordingly, the criminal revision, being devoid of merit, is liable to be and is hereby **dismissed**.

Sd/-
(Ramesh Sinha)
Chief Justice

Abhishek