



2025:CGHC:38892



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**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 313 of 2023**

Vishun Singh S/o Dhansai Aged About 37 Years R/o Village Kalabhanjan,  
P.S. Odagi, District : Surajpur, Chhattisgarh

**... Applicant****versus**

**1** - Savitri W/o Vishun Singh Aged About 32 Years R/o Village Gopalpur,  
Mahgawan Chowk, P.S. And Tahsil Surajpur, District : Surajpur,  
Chhattisgarh.

**2** - Anjali D/o Vishun Singh Aged About 13 Years Minor Through Legal  
Natural Guardian Mother Respondent No.1 Savitri W/o Vishun Singh, R/o  
Village Gopalpur, Mahgawan Chowk, P.S. And Tahsil Surajpur, District :  
Surajpur, Chhattisgarh.

**3** - Arsita S/o Vishun Singh Aged About 11 Years Minor Through Legal  
Natural Guardian Mother Respondent No.1 Savitri W/o Vishun Singh, R/o  
Village Gopalpur, Mahgawan Chowk, P.S. And Tahsil Surajpur, District :  
Surajpur, Chhattisgarh.

**4** - Sakshi D/o Vishun Singh Aged About 6 Years Minor Through Legal  
Natural Guardian Mother Respondent No.1 Savitri W/o Vishun Singh, R/o  
Village Gopalpur, Mahgawan Chowk, P.S. And Tahsil Surajpur, District :  
Surajpur, Chhattisgarh.

**... Respondents**


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For Applicant : Mr. Hemant Kumar Agrawal, Advocate

For Respondents : Mr. Vijay Kumar Sahu, Advocate

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



1. Heard Mr. Hemant Kumar Agrawal, learned counsel the applicant. Also heard Mr. Vijay Kumar Sahu, learned counsel for the respondents.
2. This criminal revision has been filed by the applicant with the following prayer:

*"It is therefore, that this Hon'ble Court may kindly be pleased to allowed criminal revision and set-aside impugned order dated 28.02.2022 passed by the learned Family court Surajpur, District Surajpur Chhattisgarh in Misc. Criminal Case No. 10/2021 or granted maintenance amount of Rs. 5000/- may be reduced, in the interest of justice."*

3. The facts, in brief, is that the applicant and respondent no. 1 were married in the year 2004 as per Hindu customs, and from this wedlock respondents no. 2 to 4 were born. The respondents filed an application under Section 125 Cr.P.C. seeking maintenance of Rs.20,000/- per month, alleging that the applicant subjected respondent no. 1 to cruelty, kept another woman, and ultimately deserted her in the year 2020, compelling her to reside with her children at her parental home without any means of livelihood. It was further alleged that the applicant is engaged in tent house and DJ business, earns substantial income from wooden business and agricultural land, and is capable of maintaining them. The applicant filed reply denying all allegations, contending that respondent no. 1



had left him of her own accord and is not entitled to maintenance.

Upon hearing both parties, the learned Family Court, by order dated 28.02.2022, partly allowed the application and directed the applicant to pay maintenance of Rs.2,000/- per month to respondent no.1 and Rs.1,000/- per month each to respondents no.2 to 4, totaling Rs.5,000/- per month. Aggrieved thereby, the present revision has been preferred.

4. Learned counsel appearing for the applicant submits that the impugned order passed by the learned Family Court is arbitrary, illegal and contrary to the evidence on record. The respondents had voluntarily left the matrimonial home of the applicant, and therefore are not entitled to claim maintenance under Section 125 Cr.P.C. The learned Family Court failed to appreciate that the applicant never subjected respondent no.1 to cruelty and had always made efforts to maintain the matrimonial relationship, but the respondent refused to reside with him. It is further submitted that the applicant has no independent source of income, owns no agricultural land except one house, and is himself dependent on his aged parents, who are entirely reliant on him. The maintenance awarded is on the higher side, and the Family Court failed to examine or record any finding regarding the actual income of the applicant, as no documentary proof of income was produced by the respondent. In these circumstances, the award of Rs.5,000/- per month is wholly unjustified and unsustainable in law and is liable to be set aside or suitably modified.



5. On the other hand, learned counsel, appearing for the respondent opposes the prayer made by the learned counsel for the applicant and supports the impugned order passed by the learned Judge, Family Court, Surajpur, District- Surajpur, (C.G.).
6. I have heard learned counsel for the parties, perused the pleadings and documents appended thereto.
7. From the perusal of the impugned order, it transpires that the learned Family Court, upon due consideration of the pleadings, evidence and material placed on record by both parties, rightly arrived at the conclusion that respondents no. 1 to 4 were entitled to maintenance under Section 125 Cr.P.C. The Court duly noted that the applicant and respondent no. 1 were legally married in 2004 and that respondents no.2 to 4 were their children. It further observed that the applicant had failed to provide adequate maintenance despite being engaged in tent house and DJ business and earning from wooden trade and agricultural land. The allegations of desertion and cruelty raised by the respondents were duly considered, and the contention of the applicant that respondent no.1 had voluntarily left the matrimonial home was not substantiated by cogent evidence. Consequently, the Family Court, by its well-reasoned order dated 28.02.2022, awarded maintenance of Rs.2,000/- per month to respondent no.1 and Rs.1,000/- per month each to respondents no.2 to 4, totaling Rs.5,000/- per month, which is just, proper and in accordance with law.



8. 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 Family Court has not committed any illegality or infirmity or jurisdictional error in the impugned order warranting interference by this Court.
9. Accordingly, the criminal revision, being devoid of merit, is liable to be and is hereby **dismissed**.
10. Let a copy of this order as well as original records be transmitted to the trial Court concerned forthwith for necessary information and compliance.

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

**Rahul Dewangan**