



2026:CGHC:12966



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 382 of 2026**

Uttam Baudh S/o Late Gulab Rao Dongare Aged About 52 Years R/o H. No. 171, Ground Floor, Shankar Nagar, Near Maharana Pratap Bhawan, Ward No. 11, P.S. Mohan Nagar, Tahsil And District Durg (C.G.)

.. Applicant(s)**versus**

Smt. Jana Bai Dongare W/o Late Gulab Rao Dongare Aged About 74 Years R/o H.No. 171, Ground Floor, Shankar Nagar, Near Maharana Pratap Bhawan, Ward No. 11, P.S.- Mohan Nagar, Tahsil And District Durg (C.G.)

... Non-applicant(s)

For Applicants : Mr. Sundar Lal Sahu, Advocate

For Non-applicant : None.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****18.03.2026**

1. By way of this revision, the applicant has prayed that this Hon'ble Court may kindly be pleased to allow this revision and be pleased to set aside the order dated 04/02/2026 in the Misc criminal case No. 817/2024 Annexure P/1, passed by 1st Additional Principal Judge Family Court Durg, District- Durg (C.G.) in the interest of justice.



2. Brief facts of the case are that the non-applicant has filed an application under Section 125 of the Cr.P.C. before the learned Family Court, Durg, seeking maintenance against the applicant. As per the averments made in the application, the non-applicant is the mother of the applicant and the husband of the non-applicant, who was working on the post of peon in Government Primary School, Potiyakala, District Durg, died on 24.05.1991. Thereafter, compassionate appointment was given to the applicant and presently he is working as a P.T.I. in Government Higher Secondary School, Camp-2, Bhilai, District Durg (C.G.), and is earning a salary of about Rs. 80,000/- per month. Despite this, the applicant is not maintaining or taking care of the non-applicant. It is further averred that the non-applicant requires Rs. 10,000/- per month for her maintenance and medical expenses; therefore, the non-applicant has prayed for grant of maintenance of Rs. 10,000/- per month from the applicant before the learned Family Court.
3. The applicant has filed his reply before the learned Family Court denying the allegations made in the application and has further stated that the house in which the non-applicant is residing was constructed by his father from his own income, though the same has been transferred in the name of the non-applicant. It is also stated that after the death of his father, the applicant has carried out necessary renovation of the house. It is further contended that the non-applicant is a retired government employee and is receiving a pension of Rs. 19,838/- per month and is also receiving a pension of Rs. 27,603/- per month of her husband and in addition thereto, the



non-applicant is also receiving family pension of Rs. 7,775/- per month. It is also stated that the non-applicant is residing with the younger brother of the applicant and sister, who are taking care of her and that the non-applicant is financially sufficient and resourceful, therefore, she is not entitled to any maintenance and the present application has been filed falsely. Hence, dismissal of the application has been prayed for by the applicant.

4. On the basis of averments made by both the parties and upon perusal of the record and appreciation of the evidence adduced by the parties, the learned Family Court has partly allowed the application filed by the non-applicant and has passed the impugned order dated 04.02.2026, directing the applicant to pay Rs. 7,000/- per month to the non-applicant from the date of passing of the order. Hence, this revision.
5. Learned counsel for the applicant submits that the impugned order passed by the learned Family Court is contrary to the facts and material available on record and suffers from serious errors in appreciation of evidence, thereby rendering the findings perverse and liable to be set aside. It is contended that the learned Family Court failed to properly consider the documentary evidence, particularly Ex-D/1, which clearly demonstrates that the non-applicant is receiving a pension of Rs. 27,603/- per month of her deceased husband through her bank accounts maintained in Bank of Baroda and State Bank of India, which is an admitted fact. It is further submitted that the non-applicant is a retired government employee and is also receiving her own pension of Rs. 19,838/- per



month along with a family pension of Rs. 7,775/- per month and thus, she is financially capable of maintaining herself however, the learned Family Court has overlooked these material aspects while passing the impugned order. Thus the impugned order passed by the learned Family Court is bad and illegal on all counts and liable to be set-aside.

6. I have heard learned counsel for the applicant, perused the impugned order and other documents appended with revision.
7. From the perusal of the impugned order, it transpires that the learned Family Court, after a detailed consideration of all documents and evidence brought on record, had partly allowed the application filed under Section 125 of the Cr.P.C. The Family Court concerned had awarded a maintenance amount of ₹7000/- per month to the non-applicant from the date of passing of the order. While passing the said order, the learned Family Court had taken into account various relevant factors, including the income of the applicant, the social and economic status of both parties, the standard of living, as well as the prevailing cost of living and the current price index. The Family Court had exercised its judicial discretion judiciously and arrived at a reasoned conclusion, considering the balance of financial capability of the applicant and the genuine needs of the non-applicant. Therefore, the maintenance so awarded cannot be said to be shockingly on higher side or inadequate in the given circumstances.
8. 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 learned Family Court has not committed any illegality or infirmity or jurisdictional error in the impugned order warranting interference by this Court.

9. Accordingly, the revision being devoid of merit is liable to be and is hereby **dismissed**.
10. Office is directed to send a certified copy of this order to the Family Court concerned for necessary information and follow up action.

Sd/-

(Ramesh Sinha)
Chief Justice

Kunal