



2026:CGHC:3901

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 328 of 2023**

Bhupesh Tandon S/o Mangaldas Tandan Aged About 32 Years
Resident Of Village -Podi Dalha, Police Station Akaltara, District - Janjgir-
Champa Chhattisgarh.

... Applicant**versus**

1 - Smt. Jyotsana Tandon W/o Bhupesh Tandan Aged About 30 Years
Resident Of House No. 920, Vivekanand Nagar, Mopka, Police Station
Sarkanda, District - Bilaspur Chhattisgarh.

2 - Piyush Tandon S/o Bhupesh Tandon Aged About 11 Months (Now
Aged About 4 Years), Minor Represented Through Mother Smt. Jyotsana
Tandon Wife Of Bhupesh Tandon, R/o House No. 920, Vivekanand
Nagar, Mopka, Police Station - Sarkanda, District : Bilaspur, Chhattisgarh

... Respondents

For Applicant : Mr. Umakant Singh Chandel, Advocate

For Respondents : Mr. Deepak Singh, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****22.01.2026**

1. This criminal revision has been filed by the applicant with the following prayer:

*"It is therefore most respectfully prayed that
this Hon'ble Court may kindly be pleased to
set-aside the impugned order dated
24.02.2023, in the interest of justice."*



2. The facts of the case, in brief, are that the respondents filed an application under Section 125 of the Code of Criminal Procedure, 1973 before the learned Family Court stating that the marriage between the applicant and respondent No.1 was solemnized on 26.06.2018 at Bilaspur according to social rites and rituals and that out of the said wedlock respondent No.2 was born, it was pleaded that after some time of marriage the applicant subjected respondent No.1 to cruelty on account of dowry demand and ultimately ousted her from the matrimonial home, as a result of which she has been residing at her parental house along with the minor child without any independent source of income, whereas the applicant has sufficient means but neglected to maintain them, compelling the respondents to seek maintenance, upon service of notice, the applicant filed his reply denying the allegations and contending that respondent No.1 is suffering from sickle cell disease, that she left the matrimonial home on her own accord without reasonable cause, and that despite efforts she refused to return, further asserting that she is well educated and earns by giving tuition and doing stitching work, while he himself is burdened with loan liability of a financed pick-up vehicle, after hearing both the parties and appreciating the material available on record, the learned Family Court, by impugned order dated 24.02.2023, allowed the application and directed the applicant to pay maintenance of Rs. 10,000/- per month to the respondents from the date of application i.e. 23.11.2020. Aggrieved by the said order, the applicant has preferred the present revision.
3. Learned counsel for the applicant submits that the impugned order



dated 24.02.2023 passed by the learned Family Court is perverse, arbitrary, erroneous and unsustainable in the eyes of law and, therefore, liable to be set aside, inasmuch as the learned Court below has gravely erred in awarding maintenance to the tune of Rs. 10,000/- per month in favour of the respondents from the date of application i.e. 23.11.2020 without proper appreciation of facts and evidence on record. It is contended that the applicant never ousted respondent No.1 from the matrimonial home and, on the contrary, she voluntarily left the house without any reasonable or justifiable cause and has been residing separately despite repeated efforts made by the applicant to bring her back, thereby disentitling her from claiming maintenance under Section 125 of the Code of Criminal Procedure. It is further submitted that the learned Court below failed to consider that respondent No.1 is having sufficient means to maintain herself as she is well educated and earns by giving tuition and doing stitching work; the learned Court below also erred in granting an excessive and disproportionate amount of maintenance while ignoring the financial liabilities of the applicant, who is required to maintain his aged parents and other family members and is also burdened with payment of E.M.I. towards a financed pick-up vehicle; it is further urged that the applicant is working on commission basis with Vakrangee Limited and earns an uncertain monthly income of only Rs. 5,000/- to Rs. 6,000/-, however, without any legal basis or evidence, the learned Family Court has wrongly presumed his income to be Rs. 50,000/- per month, which finding is per se illegal. It is lastly submitted that the



grant of maintenance under Section 125 Cr.P.C. is not a matter of right and the impugned order awarding excessive maintenance on higher side is wholly unjustified and deserves to be quashed.

4. On the other hand, learned counsel, appearing for the respondents opposes the prayer made by the learned counsel for the applicant and supports the impugned order passed by the learned Principal Judge, Family Court, Bilaspur, District - Bilaspur (C.G.).
5. I have heard learned counsel for the parties, perused the pleadings and documents appended thereto.
6. From the perusal of the impugned order, it transpires that the learned Family Court, after due consideration of the pleadings of both the parties, careful appreciation of the oral and documentary evidence on record and after hearing their respective arguments, has rightly passed the impugned order dated 24.02.2023 allowing the application under Section 125 of the Code of Criminal Procedure, 1973, as the Court has correctly recorded findings that the marriage between the applicant and respondent No.1 is admitted, that respondent No.2 was born out of the wedlock, and that the respondent No.1 along with the minor child has been residing separately without any independent source of income; the learned Family Court has further rightly held that the applicant, having sufficient means, neglected to maintain the respondents, and the defences raised by him regarding alleged voluntary desertion, illness of respondent No.1, or her alleged earning from tuition and stitching work were not substantiated by cogent evidence, the



learned Court has judiciously exercised its discretion by assessing the needs of the respondents and the financial capacity and liabilities of the applicant and has awarded maintenance of Rs. 10,000/- per month from the date of application i.e. 23.11.2020, which is just, reasonable and in consonance with the settled principles governing proceedings under Section 125 Cr.P.C..

7. 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.
8. Accordingly, the criminal revision, being devoid of merit, is liable to be and is hereby **dismissed**.
9. Let a certified 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