



2026:CGHC:3105



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 457 of 2023

Smt. Nagay Nag W/o Bisnath Nag Aged About 34 Years R/o Banglapara,
Narayanpur, Tehsil And District - Narayanpur (C.G.)

... Applicant

versus

Bisnath Nag S/o Lakhmaram Nag Aged About 40 Years R/o Village -
Khodhgaon, Post Office - Binjali, Tehsil And District - Narayanpur (C.G.)

... Respondent

For Applicant : Mr. Shobhit Koshta, Advocate.

For Respondent : None.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

19.01.2026

1. None appeared on behalf of respondent when the case is called out of hearing.
2. Heard Mr. Shobhit Koshta, learned counsel, appearing for the applicant.
3. The present revision has been filed by the applicant with the following prayer:

"It is therefore, prayed that the Hon'ble Court may kindly be allow the revision and set aside the impugned order dated 31.01.2023 (Annexure A-2) in the interest of justice and enhance the maintenance amount qua



the applicants.

Any other relief/reliefs which the Hon'ble Court may deem fit and proper in the lights of facts and circumstances of the case."

4. Facts of the case are that the applicant and respondent are husband and wife respectively, and they were married according to Hindu customs and traditions on 06.06.2008. After marriage, the applicant and the respondent lived peacefully and happily. However, due to the cruelty meted out by the respondent/husband, the applicant/wife was compelled to live separately. Subsequently, the applicant filed an application under Section 125 of the CrPC seeking maintenance, which was allowed by the learned Court vide order dated 16.09.2019, granting a total sum of Rs. 13,000/-, comprising Rs. 3,000/- towards rent and Rs. 10,000/- towards maintenance for her livelihood. The said order was passed after due notice was sent to the respondent; however, he failed to appear before the learned Family Court. Thereafter, the respondent/husband neither paid the maintenance amount nor challenged the said ex-parte order before any Court till date.
5. Thereafter, the respondent/husband filed an application under Section 127 of the CrPC seeking reduction of the maintenance amount, contending that the maintenance order had been passed behind his back and that the amount awarded was on the higher side. The learned Court, while allowing the said application, reduced the maintenance amount by approximately half, i.e., from Rs. 13,000/- to Rs. 6,500/-, with effect from 27.06.2019, vide order dated 31.03.2023.
6. Learned counsel for the applicant submits that the learned Family Court committed a grave error in not considering the documents produced by



the applicant before it, which clearly demonstrated the increase in salary of the respondent/husband, and further failed to note that there were no additional liabilities or expenses on his part. He also submits that the learned Family Court failed to appreciate that the wife is entitled to maintenance as awarded earlier, particularly when the respondent/husband has neither challenged the ex-parte order passed under Section 125 of the CrPC before any Court nor complied with the same till date. He further submits that the learned Family Court failed to appreciate that, in the earlier order passed under Section 125 of the CrPC, the notice sent to the respondent was duly served, and despite such service, he chose not to appear and has not challenged the said order before any Court. The impugned order dated 31.01.2023, having been passed with retrospective effect from 27.06.2019, in effect amounts to a review of the earlier maintenance order, which is impermissible in law, as there is no provision for review under the CrPC. He also submits that the learned Family Court erred in not properly appreciating the salary being drawn by the respondent/husband while deciding the application for enhancement/revision of maintenance. The learned Family Court failed to appreciate that there has been a significant increase in day-to-day expenses, and that the wife, who is compelled to live separately due to the conduct of the respondent and is solely responsible for maintaining herself, is entitled to enhancement of the maintenance amount.

7. I have heard learned counsel for the applicant, perused the pleadings and documents appended thereto.
8. From a perusal of the impugned order passed by the Chief Judicial Magistrate, Narayankpur, it appears that earlier the application filed by the applicant under Section 125 of the Cr.P.C. for grant of maintenance



was allowed, and the respondent was directed to pay a sum of Rs. 13,000/- to the applicant as maintenance. Against the said order, the respondent preferred an application under Section 127 of the Cr.P.C. seeking reduction of the maintenance amount from Rs. 13,000/- to Rs. 4,000/- before the Family Court, Kondagaon, which was partially allowed, and the maintenance amount was reduced from Rs. 13,000/- to Rs. 6,500/-, considering the dependency of his elderly parents as well as his elder brother's family, who had passed away.

9. Therefore, the order passed by the learned Family Court, Kondagaon, is just and proper, and as such, I do not find any good ground for interference in this revision petition.
10. Accordingly, the criminal revision, being devoid of merit, is liable to be and is hereby **dismissed**.

Sd/-
(Ramesh Sinha)
Chief Justice

Abhishek