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HIGH COURT OF CHHATTISGARH AT BILASPUR**CRR No. 858 of 2023**

1 - Smt. Aarti Sharma W/o - Neeraj Sharma Aged About 33 Years R/o - C/o Shri Tej Narayan Tiwari, Janta Colony Lakholi, Ward No. 31, District : Rajnandgaon, Chhattisgarh

2 - Nitin Sharma S/o Neeraj Sharma Aged About 9 Years Minor Through Legal Guardian Her Mother Smt. Aarti Sharma (Applicant No. 1), R/o - C/o Shri Tej Narayan Tiwari, Janta Colony Lakholi, Ward No. 31, District : Rajnandgaon, Chhattisgarh

--- Applicant(s)**versus**

Shri Neeraj Sharma S/o Late Shri Yashwant Sharma Aged About 35 Years R/o Birgaon, In Front Of Tiwari Dukan, Near Gupta Hotel, Raipur, District : Raipur, Chhattisgarh

--- Respondent(s)**CRR No. 429 of 2024**

Neeraj Sharma S/o Late Shri Yashwant Sharma, Aged About 35 Years R/o Birgaon, In Front Of Tiwari Dukan Near Gupta Hotel Raipur (CG.)

---Applicant(s)**Versus**

1 - Smt. Aarti Sharma W/o Neeraj Sharma, Aged About 33 Years R/o C/o Shri Taj Narayan Tiwari Janta Colony Lakholi Ward No. 31, Rajnandgaon (C.G.)



2 - Nitin Sharma S/o Neeraj Sharma, Aged About 9 Years Minor
Through Natural Guardian Smt. Aarti Sharma W/o Neeraj Sharma,
Aged About 33 Years, R/o C/o Shri Taj Narayan Tiwari Janta Colony
Lakholi Ward No. 31, Rajnandgaon (CG)

--- Respondent(s)

For Applicant : Mr. Manohar Dewangan, Advocate in CRR
No.858/2023.
For Non-applicant : Ms. Anju Ahuja, Advocate in CRR No.858/2023.
And
For Applicant : Ms. Anju Ahuja, Advocate in CRR No.429/2024.

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

06/08/2025

1. Since the aforesaid two criminal revisions have been filed against the same order, they are being disposed of by this common order.
2. In the present case, an application for maintenance was filed on behalf of the wife, Smt. Aarti Sharma and son Nitin Sharma. The learned Family Court, Rajnandgaon, District - Rajnandgaon, vide order dated 26.04.2023, granted a monthly maintenance amount of Rs.1,500/- to the wife, Smt. Aarti Sharma and Rs.1,000/- to the son, Nitin Sharma. Being aggrieved by the said order, both parties preferred criminal revision petitions. The wife, Smt. Aarti Sharma, filed Criminal Revision No. 858/2023, contending that the amount awarded is inadequate, unjust, and does not meet the rising cost of living; hence, it deserves to be enhanced suitably. On the other



hand, the husband, Neeraj Sharma, filed Criminal Revision No. 429/2024, asserting that the amount awarded is excessive, therefore, the same liable to be set-aside.

3. Prosecution story in brief is that prior to the marriage, wife, Smt. Aarti Sharma had asked the husband, Neeraj Sharma whether he consumed alcohol, to which he falsely replied that he did not. However, after marriage, he used to come home drunk every day and engage in arguments, quarrels, and physical violence. During her first Holi after marriage, when she visited her parental home, the husband abused her over the phone, telling her not to go to her parental home and not to talk to her brother or mother. When she would go to Rajnandgaon to appear for her M.A. final year exams, he would not allow her to visit her parental home. On one occasion, her brother came to take her for his engagement, and after the ceremony, wife and the husband returned to Raipur, where he again got drunk, fought with her, assaulted her, and forced himself on her. At that time, wife was seven months pregnant. On 19.01.2012, son, Nitin Sharma was born. Even during that period, the husband continued to drink alcohol daily and subject wife to physical violence and force. When the child was three months old, the husband, in a fit of rage, took both the wife and son to Kawardha late at night. Despite repeated requests from wife, saying that the child was very small, it was cold, and he might fall sick, the husband did not listen. Due to the cold, the child's health deteriorated. Thereafter, the husband beat her severely, resulting in her eardrum getting ruptured. When wife tried to lodge a police report, the husband apologized and



promised not to assault her again and brought her back to Raipur.

The husband used to run a mobile shop, which he sold due to his addiction to alcohol and gambling. He also sold all the jewelry belonging to wife.

4. On Diwali night, after the evening prayers, while she was talking to her parental home over the phone, the husband, in a drunken state, started abusing her in filthy language. When she objected, he broke her phone and locked her in a room. The next morning, she borrowed a phone from a passerby and informed her family about the incident. When her brother came to Raipur in the evening, the husband fled. Thereafter, wife lodged a complaint at Birsinghpur Police Station. The husband apologized again, and the police scolded and released him. Later, she filed a complaint against him with the Women's Cell in Rajnandgaon. The husband works as a manager in a transport company and earns Rs.25,000/- per month. He also owns a permanent house in Village Dullapur, Kawardha, and possesses 5 acres of agricultural land, from which he earns an annual income of Rs.5,00,000/- through sugarcane cultivation. The wife and son seek monthly maintenance of Rs.30,000/- for their sustenance. Hence, the revision.
5. Mr. Manohar Dewangan, learned counsel appearing for wife Smt. Aarti Sharma and son, Nitin Sharma would submit that the amount of Rs.2,500/- awarded by the learned Family Court as maintenance is extremely meager and wholly insufficient for the sustenance of both the wife and son. wife bears the sole responsibility of raising her



minor child. This phase in her life is full of hardships and challenges.

In such difficult circumstances, it is impossible to manage essential expenses such as school fees and other day-to-day needs within the paltry sum of Rs.2,500/- per month. He further submits that at present, the wife is residing with her son at her maternal home, where her parents are financially weak and unable to support her and her child adequately. Therefore, the minimal maintenance amount of Rs.2,500/- granted by the Family Court is not only insufficient but also unjust, and is liable to be enhanced. He also submits that the learned Family Court failed to consider the fact that the husband is employed as a Manager in a transport company and draws a monthly salary of Rs.25,000/-. Furthermore, he owns 5 acres of agricultural land and a permanent residential house situated in Village Dullapur, District Kawardha (C.G.), from which he earns an annual income of approximately Rs.5,00,000/-. These facts were duly brought to the notice of the Court at the time of filing the application under Section 125 CrPC. Hence, the maintenance amount given by the Family Court is liable to be enhanced.

6. Per contra, Ms. Anuj Ahuja, learned counsel appearing for husband Neeraj Sharma would submit that the husband has clearly stated that neither wife nor son is entitled to claim maintenance. wife is a well-educated, self-employed woman who is earning more than the applicant and is financially independent. Her only liability is towards the maintenance and upbringing of son. She further submits that the husband has specifically submitted that he is not earning sufficient income. He has to manage the responsibilities of his own family and



is burdened with existing loan liabilities and other financial obligations. Furthermore, the amount of maintenance awarded is harsh, excessive, and beyond the husband's financial capacity. The husband is already responsible for his dependent family members and is unable to bear the burden of the maintenance awarded. He also submits that the learned Family Court failed to appreciate the material facts and evidence which clearly disclose that wife is an educated, self-employed woman, fully capable of maintaining herself and son. She is working as a teacher and is also conducting private tuition classes, from which she earns more than Rs.25,000/- per month — which is, in fact, double the income of the applicant. Moreover, wife is living separately of her own free will without any justifiable cause. The husband made sincere efforts to bring her back to the matrimonial home, but all such efforts were in vain. Being a low-paid employee, the husband is struggling to meet his own needs and obligations. Hence, the impugned judgment passed by the Family court is liable to be set-aside.

7. I have heard learned counsel appearing for the parties and gone through the record with utmost circumspection.
8. From perusal of the impugned order, it transpires that an application was filed under Section 125 of Cr.P.C. by the wife before the learned Family Court concerned for grant of maintenance and after appreciating the evidence and documents available on record, the Family Court passed the order dated 26.04.2023, whereby it was directed the husband to pay Rs. 1,500/- per month towards



maintenance to wife and Rs.1,000/- per month towards maintenance to son. Being aggrieved by the said order, both parties preferred criminal revision petitions. The wife, Smt. Aarti Sharma and son, Nitin Sharma, filed Criminal Revision No. 858/2023, contending that the amount awarded is inadequate, unjust, and does not meet the rising cost of living; hence, it deserves to be enhanced suitably. On the other hand, the husband, Neeraj Sharma, filed Criminal Revision No. 429/2024, asserting that the amount awarded is excessive and beyond his financial capacity, and therefore, the same deserves to be reduced. The Family Court granted monthly maintenance as aforementioned to wife and son observing that Smt. Aarti Sharma and the Neeraj Sharma were married on 23.01.2011 as per social customs in Raipur, and from their marital relationship, a son, Nitin Sharma, was born on 19.01.2012. The Family Court further observed that although the husband denied having assaulted wife, considering the testimonies of wife and Bharat Tiwari (Witness No. 2) as well as the overall circumstances, it is evident that locking wife in a room, later apologizing at the Women's Cell, and the husband's addiction to alcohol are clear indicators of cruelty, hence, the wife has sufficient cause to live separately from the husband and is unable to maintain herself and her child, thus, the Family Court concluded that they are entitled for maintenance as aforementioned.

9. Considering the submissions advanced by learned counsel for the parties, perusing the documents appended with revisions and finding recorded by learned Family Court while awarding the maintenance of Rs. 1,500/- per month to the wife and Rs.1,000/- per month to the



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son, I am of the considered view that the learned Family Court has not committed any illegality or irregularity in the impugned order warranting interference by this Court.

10. For the foregoing reasons, both the revisions deserve to be and are accordingly **dismissed**.
11. Registrar (Judicial) is directed to transmit the original record to the concerned Family Court within a week from today for necessary information and follow up action.

Sd/-
(Ramesh Sinha)
Chief Justice

Akhil