



2025:CGHC:38885

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 431 of 2023**

Smt. Savita Kumbhkar W/o Shri Tukeshwar @ Bunty Kumbhkar Aged About 33 Years (Now 34 Years), Present R/o - Infront Of Om Nursing Home, Kapil Nagar, Seepat Road, Sarkanda Bilaspur, Police Station - Sarkanda, Tahsil And District - Bilaspur (C.G.)

... Petitioner**versus**

Tukeshwar @ Bunty Kumbhkar S/o Late Ramprasad Kumbhkar Aged About 35 Years R/o Ramleela Chowk Kharora, Police Station - Kharora, Tahsil - Tilda (Now Tahsil Kharora), District - Raipur (C.G.)

... Respondent

For Petitioner : Mr. Ali Afzal Mirza, Advocate

For Respondent : Mr. K. Rohan, Advocate

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

1. Heard Mr. Ali Afzal Mirza, learned counsel the petitioner. Also heard Mr. K. Rohan, learned counsel for the respondent.
2. This criminal revision has been filed by the petitioner with the following prayer:

*"It is therefore prayed that this Hon'ble Court
may kindly be pleased to allow the instant*

RAHUL
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signed by
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revision petition and further be please to set-aside the order dated 23.03.2023 passed by learned Principal Judge, Family Court Bilaspur, District- Bilaspur (C.G.) in M.J.C. No. 462/2021, between "Smt. Savita Kumbhkar Vs. Tukeshwar Bunt Kumbhkar" (Annexure-P/1) and further be pleased to direct the respondent to pay Rs. 20,000/- per month maintenance to the petitioner/wife, is in the interest of justice."

3. The facts, in brief, is that the marriage between the petitioner and the respondent was solemnized on 04.05.2018 at Bilaspur according to Hindu rites and rituals. It is the case of the petitioner that soon after the marriage, the respondent and his family members subjected her to cruelty and harassment on account of repeated demands for dowry, including a motorcycle, AC, washing machine and cash of ₹1,00,000/-. When the petitioner expressed her inability to fulfill such demands, she was threatened and ultimately compelled to leave her matrimonial home on 12.04.2019 and thereafter started living separately in rented accommodation. It is further alleged that despite being pregnant at the relevant time, she was denied care and support; she gave birth to a female child on 14.08.2019 who unfortunately expired on 13.09.2019, and even the delivery expenses were borne by her brother. The petitioner also claims that the respondent and his relatives misbehaved and assaulted her family members during the funeral, resulting in

registration of Crime No. 357/2019 at P.S. Kharora. Stating that she is unemployed, dependent on her brother, and has no source of income, whereas the respondent is an ITI-qualified electrician earning about ₹50,000/- per month, the petitioner filed an application under Section 125 Cr.P.C. seeking maintenance of ₹20,000/- per month. The respondent denied the allegations and opposed the claim, contending that the petitioner is living separately without just cause. The learned Family Court, after considering the pleadings and evidence, vide order dated 23.03.2023, rejected the application holding that the respondent does not possess sufficient means and that the petitioner is capable of maintaining herself and is residing separately without sufficient reason. Hence, this revision petition.

4. Learned counsel appearing for the petitioner submits that the impugned order dated 23.03.2023 passed by the learned Principal Judge, Family Court, Bilaspur (C.G.) is perverse, erroneous, and contrary to law and evidence on record. The learned Family Court failed to consider the petitioner's affidavit filed as per *Rajnish vs. Neha* directions and wrongly concluded that the respondent suffers from 75% visual disability, though medical prescriptions dated 12.12.2012 and 18.01.2013 record his vision as 6/18, which as per the 04.01.2018 notification of the Ministry of Social Justice amounts to 0-30% disability. The disability certificates produced by the respondent are forged, vague, issued by incompetent authorities, and contrary to the Rights of Persons with Disabilities Act, 2016. The respondent admitted in cross-examination that he has had eye

problems since childhood, studied till 8th class, never availed any disability benefits, and used to earn about ₹3,000/- per month before marriage. He owns joint agricultural land, including 0.10 acre in his share and 0.2830 hectare at Khasra No. 781/2, which facts he suppressed in his affidavit. He never disclosed any disability at the time of marriage and voluntarily married the petitioner, thereby implying sufficient means to maintain her. The petitioner, having no income of her own and dependent on her brother for survival, is entitled to maintenance, which is a legal and moral obligation of the husband under Section 125 Cr.P.C. and Section 24 of the Hindu Marriage Act. The learned Family Court ignored material evidence, relied on unverified documents, and failed to appreciate that the respondent's conduct and photographs of marriage ceremonies belie his claim of total blindness; hence, the order deserves to be set aside.

5. On the other hand, learned counsel, appearing for the respondent opposes the prayer made by the learned counsel for the petitioner and supports the impugned order passed by the learned Principal Judge, Family Court, Bilaspur, District - Bilaspur(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, after duly evaluating the pleadings, oral and documentary evidence, and overall circumstances of the case, has rightly concluded that the petitioner failed to prove the allegations of

cruelty, dowry demand and neglect attributed to the respondent and his family members. The Court has further held, on sound reasoning, that the petitioner voluntarily chose to reside separately without sufficient and justifiable cause and that she is financially supported by her parental family, whereas the respondent is himself afflicted with serious visual impairment and does not possess adequate means to maintain the petitioner in the manner claimed. The finding that the petitioner is capable of maintaining herself and that the respondent's financial incapacity precludes the grant of the relief sought is based on proper appreciation of evidence and settled principles of law. Accordingly, the impugned order dated 23.03.2023 is well-reasoned, lawful.

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