



2026:CGHC:16903



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 485 of 2026**

1 - Smt. Fuleshwari Patel W/o Shri Rajendra Patel Aged About 36 Years
R/o Ward No. 12, Dallirajhara, Tahsil Doundy, District Balod (C.G.)

2 - Ku. Twinkle D/o Shri Rajendra Patel Aged About 12 Years Minor
Through Her Natural Guardian Mother Smt. Fuleshwari Patel, R/o Ward
No. 12, Dallirajhara, Tahsil Doundy, District Balod (C.G.)

... Applicant(s)**versus**

Rajendra Kumar Patel S/o Vishram Patel Aged About 42 Years R/o
Village Dhorrithema, Tahsil Doundy, District Balod (C.G.)

... Respondent(s)

For Applicant(s) : Mr. Arun Kumar Shukla, Advocate.

For Respondent(s) : None.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****13/04/2026**

1. The applicant has filed this criminal revision against the order dated 28.11.2025 passed by learned Judge, Family Court, Balod,



District – Balod (C.G.) in Misc. Criminal Case No.58/2025, whereby the learned Family Court has partly allowed the application under Section 146 of BNSS filed by the applicants and enhanced the monthly maintenance amount from Rs.1000 to Rs.1,500/- per month in favour of applicant No.1 and Rs. 500/- to Rs.1,000/- per month in favour of applicant No.2, total Rs. 2,500/- per month payable to the applicants.

2. Brief facts necessary for disposal of this revision are that the applicant No. 1 is the legally wedded wife and applicant No. 2 is the daughter of the respondent, and their marriage was solemnized about 15 years ago as per Hindu rites and customs. Earlier, in proceedings under Section 125 Cr.P.C. (Cr.M.J.C. No. 12/2014), the learned Family Court, Balod, by order dated 09.09.2014, granted maintenance of Rs. 1500/- per month (Rs. 1000/- to the wife and Rs. 500/- to the daughter) on the basis of compromise. The applicants have now filed an application under Section 146 of the B.N.S.S. seeking enhancement of maintenance to Rs. 5000/- per month (Rs. 2500/- each), on the ground that due to passage of about 10 years, inflation has increased, and they are facing financial hardship in meeting basic needs such as food, medical care, and education. The applicants have further alleged that the respondent is a man of sufficient means, earning approximately Rs. 5,00,000/- annually from agricultural land and a grocery shop, and is therefore capable of paying enhanced maintenance. Thereafter, the respondent, in his reply, has denied



these allegations and contended that applicant No. 1 is earning around Rs. 30,000/- per month by selling vegetables, owns a permanent house, and is capable of maintaining herself and the child, and that such facts have been concealed. The respondent has further stated that he is already paying Rs. 1500/- per month as per the earlier order, has limited income from agricultural land, and bears responsibility of maintaining his family and aged mother. The applicants, however, maintain that the existing maintenance is insufficient and that their monthly expenses are approximately Rs. 5000/-. Hence, the present criminal revision.

3. Learned counsel for the applicant submits that the impugned judgment passed by the learned Family Court is contrary to the facts, law and circumstances of the case, and suffers from non-consideration of material aspects on record. The Court failed to appreciate that the applicants are facing severe financial hardship due to rising inflation and are unable to meet their basic needs such as food, medical care and education. The maintenance awarded is grossly inadequate and does not correspond with the present cost of living. He further submits that the learned Family Court further erred in not properly appreciating that the respondent had deserted the applicant No. 1 without any sufficient cause and compelled her to live separately. There is sufficient material on record to establish such desertion, however, the same has been overlooked. The Court also failed to consider that no cogent evidence was produced by the respondent to substantiate



his claims regarding the income of the applicants. He also submits that the learned Family Court has also failed to adequately consider the entitlement of applicant No. 2 while awarding maintenance. The amount granted is on the lower side and insufficient for sustenance. Therefore, in view of the facts and circumstances, it is just and proper that the maintenance amount be enhanced to Rs. 5,000/- per month for the applicants, as they have no sufficient independent source of income.

4. I have heard learned counsel for the applicant, perused the impugned order and other documents appended with criminal revision.
5. From perusal of the impugned order, it transpires that the learned Family Court has partly allowed the application under Section 146 of BNSS filed by the applicants and enhanced the monthly maintenance amount from Rs.1000 to Rs.1,500/- per month in favour of applicant No.1 and Rs. 500/- to Rs.1,000/- per month in favour of applicant No.2, total Rs. 2,500/- per month payable to the applicants, holding that although the applicants failed to establish by cogent documentary evidence any substantial increase in the income of the respondent, the lapse of about 10–12 years since the earlier order and the admitted rise in inflation and cost of living constitute a material change in circumstances. The Court further observed that the respondent, being the husband and father, has a legal as well as moral obligation to



maintain his wife and minor daughter, and accordingly enhanced the maintenance to a reasonable extent, which is just and proper.

6. Considering the submissions 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 Family Court has not committed any illegality or infirmity or jurisdictional error in the impugned order warranting interference by this Court.
7. Accordingly, the revision being devoid of merit is liable to be and is hereby **dismissed**.
8. 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