



2026:CGHC:17936



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 502 of 2026

Anil Tharvani S/o Ramesh Lal Tharvani Aged About 40 Years R/o Near Mother Teresa, School, Katora Talab, Raipur, P.S. Civil Line, District- Raipur (C.G.) Institute Address Shriram Trading Company, Prop. Anil Tharvani Bhanpuri , District - Raipur (C.G.)

... Applicant(s)

versus

1 - Smt. Kalpana @ Mukti W/o Anil Tharvani Aged About 35 Years R/o Ward No. 14, Chakarbhata Camp, Near Madan Ata Chakki, P.S. Chakarbhata, District- Bilaspur (C.G.)

2 - Ku. Tanishka D/o Anil Tharvani Aged About 6 Years Minor Through Mother Smt. Kalpana @ Mukti R/o Ward No. 14, Chakarbhata Camp, Near Madan Ata Chakki, P.S. Chakarbhata, District- Bilaspur (C.G.)

... Respondent(s)

For Applicant(s) : Ms. Deblina Maity, Advocate.

For Respondent(s) : None.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

20/04/2026

1. The applicant has filed this criminal revision against the order dated 24.02.2026 passed by learned First Additional Principal



Judge, Family Court, Bilaspur, District – Bilaspur (C.G.) in Misc.

Criminal Case No.384/2020, whereby, the learned Family Court partly allowed the application under Section 125 Cr.P.C. filed by the respondents and directed the applicant to pay Rs.2,500/- per month to respondent No.1 and Rs.500/- per month to respondent No.2 towards maintenance.

2. Brief facts necessary for disposal of this revision are that the applicant and respondent No. 1 are legally wedded husband and wife, married on 01.06.2012 at Bilaspur as per their customs, and after marriage the respondent resided in her matrimonial home; out of the wedlock, respondent No. 2 was born on 21.11.2014, and initially their marital life was cordial, however, thereafter the applicant allegedly developed a habit of consuming alcohol, frequently quarreled with and abused respondent No. 1, taunted her for insufficient dowry, subjected her to mental and physical cruelty, and was also alleged to be involved in an extramarital affair; on 19.07.2020, he allegedly abused, threatened to kill her, and drove her along with the minor child out of the matrimonial home, compelling her to live separately without any independent source of income, while the applicant, being financially well-off and running a business at Raipur with an income of approximately Rs.1,50,000 to Rs.2,00,000 per month, neglected to maintain them, leading the respondents to file an application under Section 125 Cr.P.C. seeking maintenance of Rs.80,000 per month; upon notice, the applicant appeared and filed his reply, and after



considering the evidence on record, the learned trial Court partly allowed the application and awarded maintenance of Rs.2,500/- per month to respondent No. 1 and Rs.500/- per month to respondent No. 2 (total Rs.3,000/- per month), against which the present revision has been preferred by the applicant.

3. Learned counsel for the applicant submits that the impugned order passed by the learned Court below is arbitrary, illegal, and contrary to law, and is therefore liable to be set aside. The learned Court has erred in holding that respondent No. 1 is justified in living separately, despite the fact that she, of her own will, refused to resume matrimonial life with the applicant and clearly stated that she would neither return to the matrimonial home nor send the child. She further submits that the learned Family Court failed to properly appreciate that the applicant is a small businessman with no fixed or stable income and has the additional responsibility of maintaining his aged and dependent parents. It also ignored that respondent No. 1 is an educated and healthy woman, fully capable of maintaining herself. The maintenance application is false and exaggerated, as the amount claimed is disproportionate to the applicant's financial status, and despite financial constraints, the applicant has expressed willingness for a one-time settlement, which has been unreasonably refused by the respondents. She also submits that the learned Family Court overlooked that the applicant had filed a petition under Section 9 of the Hindu Marriage Act, which was decided in his favour



directing restitution of conjugal rights, yet the respondent refused to comply. Subsequently, the applicant was constrained to file a divorce petition under Section 13(1)(a) and 13(1A)(b) of the Hindu Marriage Act, and a decree of divorce was granted on 15.07.2024. In such circumstances, the grant of maintenance under Section 125 Cr.P.C. from 25.11.2020 is unsustainable in law and deserves to be set-aside.

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 partly allowed the application under Section 125 Cr.P.C. filed by the respondents and directed the applicant to pay Rs.2,500/- per month to respondent No.1 and Rs.500/- per month to respondent No.2 towards maintenance, holding that the respondent No.1-wife had sufficient and justifiable cause to live separately in view of cruelty and subsequent divorce decree, that she had no independent source of income to maintain herself and the minor child, and that the applicant, being engaged in business and earning, was capable of maintaining them, hence, the Family Court concluded the the respondents are entitled for maintenance as aforementioned, which cannot be said to be on higher side.
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