



2026:CGHC:3915

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 644 of 2023**

Smt. Laxmi Mishra W/o Umesh Kumar Mishra Aged About 41 Years R/o
3/c Steet 06 Sector 08 Bhilai Nagar, District Durg, Chhattisgarh.
(Applicant)

... Petitioner(s)**versus**

Umesh Kumar Mishra S/o Valmiki Prasad Mishra Aged About 46 Years
R/o Nandini Mines, Technician, Electrical Maintenance, Bhilai, District
Durg, Chhattisgarh. (Non-Applicant)

... Respondent(s)

For Petitioner(s) : Ms. Prachi Diwan, Advocate.

For Respondent(s) : Mr. Tarendra Kumar Jha, Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****22.01.2026**

1. The petitioner has filed this criminal revision against the order dated 09.03.2023 passed by the learned Principal Judge Family Court, Drug (C.G.) in Misc. Criminal Case No.1154/2018, whereby the learned Family Court has partly allowed the application of the petitioner and granted maintenance of Rs.12,500/- per month.

2. Brief facts of the case are that the petitioner was married to the respondent as per Hindu rites and customs on 03.07.1995 at District- Durg and thereafter resided with him at her matrimonial home. The respondent is an employee of Bhilai Steel Plant (BSP), Bhilai, and out of the wedlock two daughters were born. After marriage, the behaviour of the respondent allegedly changed and he, under the influence of alcohol, subjected the petitioner to physical and mental cruelty, abused and assaulted her, demanded money received by her after the death of her father from BSP benefits, and also cast aspersions on her character, due to which the petitioner along with her daughter was compelled to live separately. On 04.10.2016, a settlement was arrived at between the parties through the department, wherein the respondent agreed to pay Rs.10,000/- to the petitioner and her daughter, which amount was paid prior to the Holi festival. Subsequently, when the petitioner sought financial assistance for the marriage of her daughter, the respondent refused to discharge his responsibility, despite being employed at BSP, Nandini Mines, and earning more than Rs.1,00,000/- per month. The petitioner, having no independent source of income, filed an application under Section 125 CrPC claiming maintenance of Rs.25,000/- per month. The respondent, in his reply, denied the allegations, contending that the petitioner doubted his character, was living separately by her own choice, and that as per the settlement she could not approach the Court without departmental consent, and thus sought dismissal of

the application. Upon appreciation of evidence, the learned Trial Court held that the respondent had attempted to improve his case beyond pleadings, that the petitioner had not left the matrimonial home of her own volition, that she had no source of income and was compelled to live separately due to harassment, and accordingly granted maintenance of Rs.12,000/- per month in her favour, giving rise to the present revision.

3. Learned counsel for the petitioner submits that the learned Family Court, by the impugned order, has awarded a meagre maintenance amount of only Rs.12,500/- per month, which is wholly inadequate and arbitrary in the facts and circumstances of the case. It is further submitted that the learned Family Court committed a grave error in computing the maintenance amount despite there being sufficient material and documentary evidence on record regarding the income and financial capacity of the respondent. The learned Court failed to properly appreciate that the respondent is working in Bhilai Steel Plant (BSP), Nandini Mines, and is earning more than Rs.72,390/- per month, and therefore was fully capable of paying maintenance commensurate with his income and status. It is also submitted that the learned Family Court ought to have taken into consideration the prevailing cost of living, rising inflation, and the standard of living to which the petitioner was accustomed during her matrimonial life, and consequently ought to have awarded maintenance to the petitioner to the tune of Rs.25,000/- per month, instead of the meagre amount granted.

4. On the other hand, learned counsel for the Non-applicant opposes the submissions made by the learned counsel for the applicant and submits that the learned Family Court concerned after considering all the documents and evidence adduced by the parties has passed the order, in which no interference is called for.
5. I have heard learned counsel for the parties, perused the impugned order and other documents appended with criminal revision.
6. From perusal of the impugned order, it transpires that the Family Court has partly allowed the application under Section 125 of Cr.P.C. filed by the petitioner and has granted maintenance of to the tune of Rs.12,500/- per month observing the income, social and economic status of both the parties and current price index, which cannot be said to be on lower side.
7. 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.
8. Accordingly, the revision being devoid of merit is liable to be and is hereby **dismissed**.

Sd/-
(Ramesh Sinha)
Chief Justice