



2026:CGHC:3966

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 543 of 2023**

1. Smt. Vimla Rao W/o Nilesh Vaishnav Aged About 36 Years Present R/o At Lig- 224, Maharana Pratap Nagar, Korba, Tahsil And District Korba (Chhattisgarh)
2. Ananya Vaishnav Aged About 2 Years Minor Represented Through Mother Smt. Vimla Rao (Applicant No.1) Present R/o At Lig- 224, Maharana Pratap Nagar, Korba, Tahsil And District Korba (Chhattisgarh)

... Applicants**versus**

Nilesh Vaishnav S/o Lakhan Das Vaishnav Aged About 37 Years R/o Padum Nagar, Qtr. No. Lg- 30, Shriram City Apartment, Bhilai, District - Durg (Chhattisgarh)

... Non-applicant

For Applicants	: Mr. Syed Imtiaz Ali, Advocate.
For Non-applicant	: Mr. C.K. Sahu, Advocate.

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

1. This Criminal Revision is being aggrieved of the judgment dated 13.01.2023 passed by the learned Family Court, Korba, (C.G.) in Misc. Criminal Case No. 46/2021, whereby the learned Family Court partly allowed the application under Section 125 of the CrPC filed by the applicants, and directed the non-applicant/husband that he has to pay the amount of Rs.6,000/- per month to applicant No.1 and Rs. 4,000/- per month to applicant No.2.

- 2.** The brief facts of the case is that the applicants filed an application under Section 125 of the Code of Criminal Procedure seeking maintenance for applicant No.1 (wife) and applicant No.2 (daughter) against the non-applicant before the learned Family Court, Korba (C.G.), claiming maintenance to the tune of Rs. 30,000/- per month. The brief facts of the case are that the marriage between applicant No.1 and the non-applicant was solemnized on 03.12.2017 in accordance with Hindu rites and rituals, and thereafter they resided together peacefully. It was averred in the application that the non-applicant and his family members, namely his mother and brother, subjected applicant No.1 to mental and physical cruelty on account of dowry demands. It was further pleaded that the non-applicant left applicant No.1 at the houses of his friends and relatives, due to which she returned to her parental home on 23.08.2018 and narrated the entire incident to her family. On 17.02.2019, applicant No.1 gave birth to applicant No.2, and the non-applicant visited the hospital to see the child. It was further alleged that the non-applicant failed to provide food, committed physical assault, and that there was even an attempt to cause harm to applicant No.2. It was further pleaded that applicant No.1 served a legal notice upon the non-applicant, to which no reply was given, and thereafter she lodged a complaint with the police authorities. On 02.02.2021, applicant No.1 filed the present application under Section 125 Cr.P.C. before the learned Family Court, Korba, District Korba (C.G.), seeking maintenance of Rs. 30,000/- per month on the grounds of cruelty and ill-treatment. It was stated that the non-applicant is employed as an M.R. (Surgical Division) with Johnson & Johnson, a multinational company, and is earning approximately Rs. 60,000/- per month.
- 3.** The non-applicant filed a reply to the application under Section 125 Cr.P.C., denying all allegations and asserting that he is innocent and that

applicant No.1 left the matrimonial home on her own volition. He also filed an application under Section 9 of the Hindu Marriage Act for restitution of conjugal rights before the learned Family Court, Durg; however, the conciliation proceedings were unsuccessful. In support of her case, applicant No.1 examined herself as PW-1 and examined M.R. Kali Rao as PW-2 and Tilotma Vaishnav as PW-3. The non-applicant examined himself as DW-1 and Rajnish Kishore Das Vaishnav as DW-2 in his defence. After framing the issues and appreciating the oral and documentary evidence on record, the learned Family Court allowed the application under Section 125 Cr.P.C. and granted maintenance of Rs. 6,000/- per month to applicant No.1 and Rs. 4,000/- per month to applicant No.2, totaling Rs. 10,000/- per month. Hence, the present revision.

4. Learned counsel appearing for the applicant submits that the learned Family Court committed a serious error in law and on facts by granting an extremely low and inadequate amount of maintenance in favour of the applicants, which is wholly insufficient to meet their basic needs, considering the prevailing cost of living and the facts and circumstances of the case. The learned Family Court failed to properly appreciate and evaluate the oral as well as documentary evidence produced by the applicants, which clearly established their financial hardship and the sufficient earning capacity of the non-applicant. The learned Family Court erred in ignoring the undisputed fact that the non-applicant is employed as a Medical Representative (Surgical Division) with Johnson & Johnson, a multinational company, and is earning a substantial monthly income of approximately Rs. 60,000/-. Despite this, the learned Court failed to assess the true earning capacity and financial status of the non-applicant. The learned Court further ignored the precarious financial condition of the

applicants, as applicant No.1 has no independent source of income and applicant No.2 is a minor daughter fully dependent upon applicant No.1. The learned Family Court, in paragraph 47 of the impugned order, recorded a finding that the non-applicant is earning approximately Rs. 30,000/- per month; however, despite such finding, it awarded maintenance of only Rs. 10,000/- per month for both applicants, which is arbitrary, unjust, and grossly inadequate. The learned Family Court failed to follow and apply the settled principles and guidelines laid down by the Hon'ble Supreme Court in *Rajnish vs. Neha & Another*, (2021) 2 SCC 324, which mandate a realistic, fair, and reasonable assessment of maintenance, taking into account the standard of living, reasonable needs of the wife and children, and the actual income and liabilities of the husband. Non-application of the said binding precedent renders the impugned order unsustainable in law.

5. On the other hand, learned counsel for the non-applicant/husband opposes the submissions made by the learned counsel for the applicants and submits that the Family Court after considering all the documents and evidence adduced by the parties has passed the order, in which no interference is called for.
6. I have heard learned counsel for the parties, perused the impugned order, pleadings and documents appended thereto.
7. Considering the submissions advanced by the learned counsel for the parties, and from the perusal of the impugned order passed by the learned Family Court, it transpires that after hearing all the statements of the witnesses and perusing the evidence available on record, the learned Family Court has passed the impugned order, and there is no any illegality and infirmity while passing the same which requires interference by this Court.

8. Accordingly, the present revision, being devoid of merit, is liable to be and is hereby **dismissed**.
9. Let the certified of the this order be transmitted to the concerned trial Court for necessary compliance and follow up action, if any.

Sd/-
(Ramesh Sinha)
Chief Justice

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