



2025:CGHC:38887



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 496 of 2024**

Rajaram Shivhare S/o Late Ghasiram Shivhare Aged About 65 Years R/o Ward No. 11, Near Manas Bhawan, Behind Kachaharipara P.S. And Tehsil Baikunthpur P.S. And Tehsil Biakunthpur District Koriya Chhattisgarh.

... Applicant**versus**

Smt. Sudha Shivhare W/o Rajaram Shivhare Aged About 60 Years R/o Ward No. 11, Near Manas Bhawan, Behind Kachaharipara, P.S. And Tehsil Baikunthpur District Koriya Chhattisgarh.

... Respondent

For Applicant	: Ms. Hamida Siddiqui , Advocate
For Respondent	: Mr. Pankaj Kamlesh, Advocate

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

1. Heard Ms. Hamida Siddiqui, learned counsel the applicant. Also heard Mr. Pankaj Kamlesh, learned counsel for the respondent.
2. This criminal revision has been filed by the applicant with the following prayer:

*"Therefore, it is humbly prayed that the
Hon'ble Court may kindly be pleased to allow*



the instant revision and set aside the judgment dated 28.03.2024, passed in Misc. Criminal Case No. 02/2023 by the Learned Family Court Manendragarh Camp Baikunthpur Distt-Koriya (C.G.), in the interest of justice.”

3. The facts, in brief, is that the marriage between the present applicant and the respondent was solemnized in the year 1982. The respondent, in the year 2022-2023, filed an application under Section 125 Cr.P.C. before the learned Family Court alleging that, soon after marriage, the applicant became addicted to alcohol, assaulted her, appropriated her jewellery worth Rs.4,00,000/-, and neglected her needs despite possessing substantial income from various properties, bank deposits, vehicles, and rent from six houses, amounting to about Rs.1,80,000/- per month. She claimed to be 60 years old, suffering from kidney infection and cataract, incapable of work, and incurring monthly medical expenses of Rs.12,000/-; she sought maintenance of Rs.12,000/- per month, along with additional expenses for domestic help and treatment. The applicant denied all allegations, asserting that the respondent and their sons have been cruel to him, abused and assaulted him, took over his betel leaf business and properties, and pressured him to transfer assets in their names. He contended that he is unemployed, has sold part of his land to meet legal expenses of his son convicted in a criminal case, and himself lives in a single room in the house. The applicant further submitted that due to neglect by his sons, he had earlier filed proceedings under Section 125



Cr.P.C., wherein vide order dated 26.09.2022, maintenance of Rs.12,000/- per month was awarded in his favour. Alleging that the present application by the respondent is vexatious and filed only to harass him. Upon consideration of pleadings and evidence, the learned Family Court, vide order dated 28.03.2024 in Misc. Criminal Case No.02/2023, allowed the wife/respondent's application and awarded her maintenance of Rs.7000/- per month. Aggrieved by the said order, the applicant has preferred the present revision.

4. Learned counsel appearing for the applicant submits that the impugned judgment of the learned Family Court is contrary to law, passed without proper appreciation of evidence, and violative of principles of natural justice. The applicant is an aged person of about 70 years, suffering from heart disease, diabetes, blood pressure, and sciatica, and has no independent source of income. In fact, in earlier proceedings under Section 125 Cr.P.C., being Misc. Criminal Case No.50/2021, the same Family Court has already held that the applicant is unable to maintain himself and granted him maintenance of Rs.7,000/- from his elder son and Rs.5,000/- from his younger son, which order is still in force and has not been set aside. Despite this finding, the Family Court, in the present case, erroneously directed the applicant to pay Rs.7,000/- as maintenance to the respondent wife. The present application by the respondent is a counter-blast, filed merely to harass the applicant after the earlier order dated 26.09.2022, though she is well aware that the applicant has been divested of his earnings and properties and is incapable of maintaining even himself. Hence, the



order is liable to be set aside in the interest of justice.

5. On the other hand, learned counsel, appearing for the respondent opposes the prayer made by the learned counsel for the applicant and supports the impugned order passed by the learned Judge, Family Court, Manendragarh Camp Baikunthpur, District – Koriya (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 marriage between the applicant and the respondent was solemnized in 1982, and upon due consideration of the pleadings and evidence, the learned Family Court rightly concluded that the respondent, being a 60-year-old woman suffering from serious ailments such as kidney infection and cataract and unable to earn for herself, had been neglected by the applicant despite his possession of properties, rental income, and other resources. The Court, after carefully appreciating the allegations of cruelty, appropriation of jewellery, and failure to maintain, as well as the applicant's defence regarding alleged ill-treatment by his wife and children, found that the applicant failed to discharge his legal duty to maintain the respondent. In view of her medical expenses and inability to sustain herself, the grant of Rs.7000/- per month as maintenance under Section 125 Cr.P.C. was held to be just, reasonable, and in accordance with law.



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

Rahul Dewangan