



2026:CGHC:3103



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 513 of 2023

Mritunjay Sahu S/o Dayalu Sahu Aged About 40 Years R/o Village- Goda, Police Station And Tahsil- Palari, District- Balodabazar-Bhatapara (Chhattisgarh) Present R/o Mowa, Near Reliance Tower, Mowa, Raipur (Chhattisgarh) (Non-Applicant)

... Applicant(s)

versus

Minor Priyanshu Sahu S/o Mritunjay Sahu Aged About 8 Years Present R/o Village- Kodwa, Tahsil- Palari, District- Balodabazar-Bhatapara (Chhattisgarh) (Applicants)

... Respondent(s)

For Applicant(s) : Ms. Pooja Yadav holding brief of Mr. Shivendu Pandya, Advocate

For Respondent(s) : None

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

19.01.2026

1. The applicant has filed this criminal revision against the order dated 28.02.2023 passed by learned Family Court, Balodabazar, District- Balodabazar-Bhatapara (C.G.) in Miscellaneous Criminal Case No. 16/2022, whereby, the learned Family Court partly allowed the application under Section 125 Cr.P.C. filed by the respondent and directed to pay Rs.10,000/- per month.



2. Brief facts necessary for disposal of this revision are that the marriage between the applicant and the mother of the respondent was solemnized on 25.05.2010 as per Hindu rites and rituals, and out of the said wedlock a male child, namely Priyanshu Sahu, was born on 13.12.2012. The mother of the respondent thereafter filed an application under Section 125 of the Cr.P.C. along with an interim application seeking maintenance for the minor child, alleging that she was subjected to mental and physical cruelty by the applicant and his family members, was compelled to leave the matrimonial home, and has no independent source of income, whereas the applicant is employed as a Shikshak (L.B.) earning about Rs.47,000/- per month, and thus sought maintenance of Rs.30,000/- per month. The said application was registered as Miscellaneous Criminal Case No.16/2022 and was partly allowed by the learned Family Court vide order dated 01.11.2022, directing the applicant to pay maintenance of Rs.10,000/- per month. The applicant filed his reply denying all allegations of cruelty and harassment, contending that the respondent left the matrimonial home of her own will without any sufficient or cogent reason, was insisting that the applicant live separately from his parents, and despite several efforts made by the applicant to bring her back, she refused to reside with him and continues to live at her parental home along with the minor child. It was further contended by the applicant that, in view of the respondent living separately without just cause, she was not entitled to maintenance, and that the learned Family Court failed to properly appreciate the evidence on record while passing the impugned order. Aggrieved by the said order granting maintenance of Rs.10,000/- per month, which is alleged to be illegal, perverse, and passed without proper application of mind, the applicant has preferred the present criminal revision seeking setting aside of the impugned order



passed by the learned Family Court, Balodabazar, District Balodabazar-Bhatapara (C.G.).

3. Learned counsel for the applicant submits that the impugned order dated 28.02.2023 passed by the learned Family Court is bad in law, illegal, perverse, contrary to the facts and circumstances of the case, and based on erroneous presumptions and inferences drawn without proper appreciation of the material available on record. It is submitted that the learned Family Court erred in allowing the application for maintenance and awarding a sum of Rs.10,000/- per month against the applicant, which is neither justified nor reasonable, particularly when the applicant has consistently expressed his readiness and willingness to keep the respondent with him and made sincere efforts to bring her back to the matrimonial home. The respondent has levelled false and baseless allegations of cruelty and harassment against the applicant and his family members, whereas in fact it was the mother of the respondent who subjected the applicant and his family members to cruelty and ill-treatment, a material aspect completely overlooked by the learned Family Court. It is further submitted that the respondent has been residing separately without any sufficient or cogent reason and, therefore, is not entitled to claim maintenance, especially in view of the fact that the mother of the respondent herself is gainfully employed as a Shiksha Karmi Grade-III and is capable of maintaining herself as well as the minor child from her own income. The learned Family Court failed to consider the financial liabilities and responsibilities of the applicant towards his family and household, as well as the evidence, statements, and documents on record which clearly establish that the applicant is not in a financial position to pay maintenance of Rs.10,000/- per month. The impugned order thus suffers from non-consideration of relevant facts,



improper appreciation of evidence, and non-application of mind, and the applicant reserves his right to urge additional grounds at the time of arguments; consequently, the impugned order deserves to be set aside in the interest of justice.

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 Family Court partly partly allowed the application under Section 125 Cr.P.C. filed by the respondents and directed the pay Rs.10,000/- per month to respondent towards maintenance observing that the expenses incurred towards personal comfort and convenience, including loans and commuting costs, cannot be a justification for avoiding the legal obligation to maintain one's wife and minor child, especially when the respondent was found to be financially capable in view of agricultural income and other resources, and was neglecting to maintain his minor son, thereby entitling the applicant to maintenance.
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**.

Sd/-
(Ramesh Sinha)
Chief Justice