



2026:CGHC:3102



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 569 of 2023

Vijay Kumar Aditya S/o Shri Jagdish Prasad Aditya Aged About 33 Years Caste Kahara, R/o Village - Khokhara (Wrongly Mentioned Khokhar) Post Office-Janjgir, Police Station And Tahsil - Janjgir, District - Janjgir-Champa Chhattisgarh.

... Applicant

versus

Smt. Arati Aditya W/o Shri Vijay Kumar Aditya Aged About 21 Years Caste - Kahara, R/o Qtr. No. Mig-88 (Sada Colony) Ravishankar Shukla Nagar, Korba Tahsil And District - Korba Chhattisgarh. At Present R/o Quarter No. C-93, Subhash Block, S.E.C.L. Colony, Near New N.C.D.C. School, Korba, Tahsil - Korba, District - Korba Chhattisgarh.

... Respondent

For Applicant : Mr. Vishvanath Shriwas, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

19.01.2026

1. This criminal revision has been filed by the applicant with the following prayer:

"It is therefore, prayed that this Hon'ble Court may kindly be pleased to allow this Criminal Revision and quash /set-aside the order dated 14.03.2023 passed by family Court Korba,



District-Korba (C.G.) in Miscellaneous Criminal Case No. 92/2019 (Parties Smt. Arati Aditya V/s Vijay Kumar Aditya), in the interest of justice.”

2. The facts of the case, in brief, are that the marriage between the applicant and the respondent was solemnized on 20.02.2018 at Village Odekera, Barahi Talab (Jaijaipur), Police Station and Tahsil Jaijaipur, District Janjgir-Champa (C.G.) as per Hindu rites and customs. After marriage, the respondent joined the applicant at his matrimonial home and the parties lived together peacefully for some time. However, on 08.06.2018, the respondent left the matrimonial home in the absence of the applicant along with her father and relatives, whereupon an information was lodged by the applicant's father at Police Station Janjgir. Despite repeated efforts made by the applicant and his family members, including intervention through social elders, the respondent did not return to the matrimonial home, compelling the applicant to institute proceedings under Section 9 of the Hindu Marriage Act for restitution of conjugal rights before the Family Court, Janjgir. Thereafter, the respondent filed an application under Section 125 of the Code of Criminal Procedure before the Family Court, Korba, alleging cruelty, dowry demand and neglect, and seeking maintenance. The applicant appeared before the learned Family Court and filed his reply denying the said allegations. Upon hearing both the parties and considering the material on record, the learned Family Court partly allowed the application and directed the applicant to pay



maintenance of Rs.3,000/- per month to the respondent, payable on or before the 10th day of each month. Being aggrieved by the said order, the applicant has preferred the present revision.

3. Learned counsel for the applicant submits that the impugned order dated 14.03.2023 passed by the learned Family Court, Korba, District-Korba (C.G.), granting maintenance in favour of the respondent is illegal, perverse and contrary to the settled principles of law, as the same has been passed without proper appreciation of the facts and circumstances of the case and solely on the pleadings of the respondent. It is contended that the applicant has always been willing and ready to keep the respondent with him and, in fact, has already instituted proceedings under Section 9 of the Hindu Marriage Act before the Family Court, Janjgir, for restitution of conjugal rights, wherein notice has been issued to the respondent; despite this, the respondent has willfully refused to cohabit with the applicant even during counselling, without any justifiable cause. It is further submitted that in view of such refusal, the respondent is not entitled to claim maintenance under Section 125 of the Code of Criminal Procedure. Learned counsel further submits that the respondent is living separately of her own volition and is gainfully engaged in running a beauty parlour in the name and style of "Lavanya Makeover Skin Treatment Hair & Makeup Academy" at Korba, earning sufficient income for her livelihood, whereas the applicant is presently unemployed and has no independent source of income, as the alleged hardware shop is owned and operated by his father, who resides separately. Thus, the learned Family Court



has committed a grave error of law and fact in passing the impugned order, which is liable to be quashed and set aside.

4. I have heard learned counsel for the applicant, perused the pleadings and documents appended thereto.
5. From the perusal of the impugned order, it transpires that the marriage between the applicant and the respondent was solemnized on 20.02.2018 in accordance with Hindu rites and customs, and after certain matrimonial disputes arose between the parties, the respondent filed an application under Section 125 of the Code of Criminal Procedure alleging cruelty, dowry demand and neglect on the part of the applicant and sought maintenance. The applicant contested the said application by filing his reply and denying the allegations made against him. The learned Family Court, after affording due opportunity of hearing to both the parties and upon a careful consideration of the pleadings, evidence and material available on record, came to the conclusion that the respondent was legally entitled to maintenance and that the applicant had neglected to maintain her. Accordingly, the learned Family Court rightly exercised its jurisdiction and, by a reasoned and well-considered order, partly allowed the application and directed the applicant to pay a modest sum of Rs.3,000/- per month towards maintenance, which cannot be said to be excessive or arbitrary. The impugned order thus reflects proper appreciation of facts and law.



6. Considering the submission 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 criminal revision, being devoid of merit, is liable to be and is hereby **dismissed**.
8. Let a certified 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