



2026:CGHC:20669



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 605 of 2026**

1. Smt. Kalpana @ Mukti W/o Shri Anil Tharwani Aged About 40 Years Aadhar No. 7316-7608-8592 Both R/o Ward No. 14 Chakarbhata Camp, Near Madan Atta Chakki, P-S Chakarbhata, Dist- Bilaspur (Chhattisgarh)
2. Ku. Tanishka D/o Shri Anil Tharwani Aged About 11 Years Aadhar No. 5635-2420-8196, Through Her Natural Guardian / Mother/ Smt. Kalpana Mukti (Petitioner No. 1) Both R/o Ward No. 14 Chakarbhata Camp, Near Madan Atta Chakki, P-S Chakarbhata, Dist- Bilaspur (Chhattisgarh)

... Applicants**versus**

Shri Anil Tharwani S/o Ramesh Lal Tharwani Aged About 45 Years R/o Near Mother Teresa School, Katora Talab, P-S Civil Line, Dist- Raipur (Chhattisgarh) Address Of Institution- Shriram Trading Company, Bhanpuri, Raipur (C.G.) Sai Aloo Bhandar, Telghani, Raipur (Chhattisgarh)

... Respondent

For Applicants : Ms. Swati Rani Saraf, Advocate.

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****04.05.2026**

1. This criminal revision has been filed by the applicants being aggrieved with the impugned order dated 24.02.2026 passed by the learned 1st Additional Principal Judge, Family Court, Raipur (C.G.) in Misc. Criminal Case No.384/2020, whereby the applicants for grant of maintenance under Section 125 of Cr.P.C. has been partly allowed by the learned Family Court and directed the husband/respondent to pay Rs. 2,500/- to



applicant No.1 and Rs. 500 per month to applicant No.2.

2. The brief facts of the case is that It is an admitted fact that applicant No. 1 and the non-applicant are husband and wife, and their marriage was solemnized on 01.06.2012 according to Hindu rites and customs at District Bilaspur (C.G.). After the marriage, the applicant resided with the non-applicant at his home from 2012 to 2020. The petitioner-wife was subjected to cruelty, including character assassination, abusive, demoralizing, and assaultive behavior, as well as disgraceful treatment even in public by the husband along with his in-laws. She was ultimately ousted from her matrimonial home on 19.07.2020. The petitioner-wife and her daughter filed a case registered as Miscellaneous Criminal Case No. 384/2020, wherein an application under Section 125 CrPC was submitted stating that she had been subjected to cruelty and was ousted from her matrimonial home. She is currently being taken care of by her parents at Bilaspur (C.G.) and has no source of income to maintain herself. During the pendency of the application, the father of Applicant No. 1 passed away on 12.12.2020, and since then she has been living with her brother. It was further pleaded by the petitioner-wife that the non-applicant/husband is presently running a well-established business under the name "Shriram Trading Company" in Bhanpuri, Raipur, and a wholesale shop under the name "Sai Aloo Bhandar" in Telghani Naka, Raipur, from which he earns approximately Rs. 1,50,000/- to Rs. 2,00,000/- per month. The applicant is currently residing at her parental home in Bilaspur and is unable to maintain herself and her daughter; therefore, she prayed for maintenance of Rs. 80,000/-. The petitioner-wife had also filed an application under Section 12 of the Domestic Violence Act at the Mahila Thana, pleading that she had been subjected to cruelty, specifically abusive, assaultive, torturous, and publicly humiliating



behavior by the husband, along with demands for money from her parental home. The respondent and his aunt-in-law (bua saas) used to taunt the applicant for giving birth to a girl child. Thus, she was subjected to cruelty and violence, causing mental, social, and physical trauma.

- 3.** The respondent/husband filed a petition under Section 9 of the Hindu Marriage Act before the Family Court, Raipur, seeking restitution of conjugal rights, wherein the Second Additional Principal Judge, Raipur, by order dated 30.04.2022, directed re-establishment of marital life between the parties. Thereafter, the respondent/husband filed a divorce petition under Section 13(1) of the Hindu Marriage Act before the Family Court, District Raipur, which was registered on 15.07.2024 and was subsequently allowed. After service of notice, the non-applicant/husband filed his reply denying the allegations made in the application, particularly those as pleaded in his divorce petition. After hearing both parties, the learned Family Court, vide order dated 24.02.2026, partly allowed the application for maintenance and awarded Rs. 2,500/- per month to Applicant No. 1 and Rs. 500/- per month to Applicant No. 2, which is on the lower side. Hence, this petition is being filed for enhancement of maintenance. The petitioner most respectfully prefers this revision.
- 4.** Learned counsel appearing for the applicant submits that the impugned order dated 24.02.2026 passed by the learned Court below is bad in law, perverse, and erroneous, and is therefore liable to be set aside. The learned Family Court failed to appreciate that the respondent himself admitted that he is carrying on a well-established business and has savings of approximately Rs. 2,00,000/-. Despite this, the Court awarded a meagre amount of maintenance, ignoring his ownership of a residential house and multiple business establishments. The findings recorded by the learned trial Court are contrary to the evidence on record and the



statements of the parties. The learned Court has awarded only Rs. 500/- per month towards maintenance of the minor daughter, who is studying in Class VI and residing with the applicant. The said amount is grossly inadequate to meet her educational expenses, including school fees, books, study materials, and transportation. The learned Court failed to consider that the petitioner is compelled to reside with her brother, who has limited income and is already burdened with maintaining his own family, thereby causing financial hardship to the petitioner. The father of the applicant passed away on 12.12.2020, and since then the petitioner has been entirely dependent on her brother. Managing two families in a small household on a single private salary has become extremely difficult. The actual monthly expenses of the minor daughter, including school fees, transportation, books, meals, and other necessities, far exceed Rs. 500/-. The learned Court failed to consider the financial capacity and business status of the respondent, who is morally and legally bound to provide for his child. The learned Family Court failed to appreciate that the applicant, being the legally wedded wife, and her daughter are entitled to a standard of living commensurate with that of the respondent. In view of the income and financial status of the respondent, the learned Court ought to have granted reasonable and adequate maintenance in favour of the applicants.

5. I have heard learned counsel for the applicant, perused the impugned order, pleadings and documents appended thereto.
6. Considering the submissions advanced by the learned counsel for the applicant, 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.

7. Accordingly, the present revision, being devoid of merit, is liable to be and is hereby **dismissed**.
8. 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

Preeti