



2026:CGHC:3962



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 620 of 2023

Ravi @ Khedu Rajput S/o Shri Omkar Rajput Aged About 30 Years R/o Village- Boriyakhurd, Ahead Of Atal Chowk, Raipur, Police Station Tikrapara, Raipur, Tahsil And District Raipur Chhattisgarh

... Applicant(s)

versus

Smt. Sunita Rajput (Thakur) W/o Shri Ravi@Khedu Rajput Aged About 25 Years R/o Pragati Vihar, Moreshwar Rao Gadre Ward No. 59, Santoshi Nagar, Raipur, Police Station Tikrapara, Raipur, Tahsil And District Raipur Chhattisgarh

... Respondent(s)

For Applicant(s) : Mr. Ashish Gupta, Advocate

For Respondent(s) : Mr. Ritesh Verma, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

22.01.2026

1. Heard Mr. Ashish Gupta, learned counsel for the applicant as well as Mr. Ritesh Verma, learned counsel, appearing for the respondent.



2. The applicant has filed this criminal revision against the order dated 23.02.2023 passed by learned Principal Judge Family Court, Raipur (C.G.) in Criminal M.J.C. No.286/2022, whereby, the learned Family Court partly allowed the application under Section 125 Cr.P.C. filed by the respondent and directed the applicant to pay Rs.8,000/- per month to respondent, towards maintenance.
3. Brief facts necessary for disposal of this revision are that the respondent filed an application under Section 125 of the Code of Criminal Procedure before the learned Family Court, Raipur, on 18.04.2022 seeking grant of maintenance from the applicant. It was pleaded by the respondent that the marriage between the parties was solemnized on 28.05.2019 as per Hindu rites and rituals and that after marriage she was subjected to taunts and harassment for dowry by the applicant and his family members. She further alleged that the applicant was having an illicit relationship with another woman and that he used to abuse and manhandle her, due to which she was compelled to live separately from 28.04.2020. The applicant filed his reply on 20.06.2022 denying all the allegations and contended that the respondent left the matrimonial home without any sufficient cause. It was further submitted that the respondent is a well-educated lady, capable of maintaining herself, and having her own separate bank account. The applicant also stated that he earns his livelihood by working as a driver with a monthly income of approximately Rs.7,500/-, out



of which he is required to maintain himself as well as his aged parents. However, after recording the evidence of the parties, the learned Family Court passed an order directing the applicant to pay maintenance of Rs. 8,000/- per month to the respondent, which according to the applicant is excessive and on the higher side.

4. Learned counsel for the applicant submits that the impugned order passed by the learned Court below is bad in facts as well as in law and is liable to be set aside, as the same is based on conjectures and surmises without proper appreciation of the evidence available on record. The learned Family Court failed to consider the material admission made by the respondent in her cross-examination wherein she categorically admitted that she is having her own bank account, which clearly establishes that she is capable of maintaining herself. Further, the learned Court below has completely ignored the uncontroverted fact that the applicant is earning his livelihood only by driving and is earning hardly about Rs. 7,500/- per month, out of which he is required to maintain not only himself but also his aged mother and father. Despite such limited income and heavy family responsibility, the learned Family Court has mechanically directed the applicant to pay maintenance of Rs. 8,000/- per month, which is wholly excessive, arbitrary, and beyond the paying capacity of the applicant, making compliance of the impugned order practically impossible. It is further submitted that the applicant has always been willing and ready to



keep and maintain the respondent with full dignity, but the respondent has left the matrimonial home without any sufficient or justifiable reason, a material aspect which has also not been properly appreciated by the learned Court below.

5. On the other hand, learned counsel for the respondent opposes the submissions made by the learned counsel for the applicant 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 and other documents appended with criminal revision.
7. From perusal of the impugned order, it transpires that the learned Family Court partly allowed the application under Section 125 Cr.P.C. filed by the respondent and directed the applicant to pay Rs.8,000/- per month to respondent, towards maintenance observing that the respondent–wife was residing separately for sufficient and justifiable reasons due to cruelty, harassment and the conduct of the applicant, which made it impossible for her to safely continue matrimonial life. The Court further noted that the applicant had failed to make any sincere effort to resume cohabitation and had instead initiated divorce proceedings, which clearly indicated his unwillingness to maintain the matrimonial relationship. The learned Family Court also observed that the applicant had not disclosed his true income and had taken



contradictory stands regarding his earnings, whereas the evidence on record reflected that he was an able-bodied person with sufficient earning capacity. Considering the concealment of income by the applicant, his ability to maintain the respondent, and the legal obligation of a husband to maintain his wife, the Court held that the respondent is entitled to maintenance. Accordingly, taking into account the overall facts and circumstances of the case, the standard of living of the parties, and the reasonable needs of the respondent, the learned Family Court granted maintenance as aforementioned.

8. Considering the submissions 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 revision being devoid of merit is liable to be and is hereby **dismissed**.

Sd/-
(**Ramesh Sinha**)
Chief Justice