



2025:CGHC:47496

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 519 of 2022**

Ved Prakash Das S/o V.P. Das Aged About 69 Years R/o House No. 305,
New Changora Bhata, Shri Ram Nagar, 65/ghar, Near Kagaz Godam,
Raipur, Tahsil and District- Raipur (C.G.)

... Applicant**versus**

Smt. Sunita Das W/o Ved Prakash Aged About 54 Years R/o 70/1, Maitri
Nagar, Risali Bhilai, Tahsil and District- Durg (C.G.)

... Respondent

For Applicant	: Mr. Shivang Dubey, Advocate
For Respondent	: None

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****16.09.2025**

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

*"It is therefore, most respectfully prayed that
this Hon'ble Court may kindly be pleased to
set aside the impugned order dated
28.02.2022, passed by learned Second
Additional Principal Judge, Family Court,
Durg, (C.G.) in M.J.C. No. 1229/2019, in case*

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of "Smt. Sunita Das v. Ved Prakash Das" be quashed and to remand the matter back to the Family Court, Durg with direction to hear and examine the applicant husband and to pass final order only after considering the defence of the applicant."

2. The facts, in brief, are that the applicant was first married to Smt. Sushila Das on 17.09.1979, and out of the wedlock, two sons, Amit Das and Sunil Das, were born. After the death of his first wife, the applicant married the respondent, the younger sister of his first wife, on 03.06.1983 as per Christian rituals and customs, and a daughter, Ekta Das, was born from this marriage. The couple initially lived together in a BSP quarter at Risali and later at their house in Maitri Nagar, Bhilai, until 2004, when the respondent allegedly began treating the applicant and his children with cruelty and ultimately started residing separately. The applicant retired from Bhilai Steel Plant on 30.09.2003 with retiral benefits of Rs. 12,88,638/-, which he claims to have spent on his family, and currently survives on a meager pension of Rs. 1,100/- and financial help from his sons. The respondent filed an application under Section 125 Cr.P.C. on 14.10.2019, alleging that the applicant earns Rs. 3,00,000/- per month and sought Rs. 1,00,000/- as monthly maintenance. The applicant denied these allegations, stating that the respondent runs a beauty parlour, maintains more than ten dogs, and had driven her stepsons away from the house. He further contended that despite her claim, she is not dependent

on him and that he is over 72 years old, suffering from diabetes, hypertension, and chronic kidney disease. During the proceedings, due to confusion over hearing dates and Covid-19 restrictions, the applicant could not attend the hearings in February 2022, and the Family Court proceeded ex-parte. On 28.02.2022, the Family Court partly allowed the respondent's application and directed the applicant to pay Rs. 6,000/- per month as maintenance from the date of filing of the application. Aggrieved by this ex-parte and hurriedly passed order, the applicant has filed the present revision, seeking to set aside the impugned judgment and for a proper hearing on merits.

3. Learned counsel appearing for the applicant submits that the impugned ex-parte order dated 28.02.2022 passed by the learned Family Court, Durg, in M.J.C. No. 1229/2019, is illegal, erroneous, and contrary to law and therefore deserves to be set aside. It is contended that the learned Family Court failed to properly consider that the applicant is a 72-year-old person suffering from various ailments such as diabetes, hypertension, and chronic kidney disease, and is surviving only on a meager pension of Rs. 1,100/- along with occasional financial support from his sons. Despite this, the Court erroneously assumed that the applicant had sufficient means to pay maintenance. It is further submitted that the respondent has been residing in the house of the applicant situated at Risali, Bhilai, and has been maintaining herself independently since 2004. She approached the Court for maintenance only after 15-16 years, which itself shows that she was never dependent on

the applicant during this period. Moreover, the present maintenance case was filed in 2019 with a mala fide intent to harass the applicant, as he had transferred his property by way of a registered gift deed dated 04.12.2018 in favor of his son, Sunil Das. Learned counsel further submits that during February 2022, Covid-19 related restrictions were in place, and due to confusion over the dates, the applicant could not attend the proceedings. Instead of granting reasonable time to the applicant, the Court proceeded ex-parte and hurriedly concluded the matter within a short span of time. Hence, it is submitted that the impugned order, being unjust and contrary to the principles of natural justice, deserves to be set aside and the matter remanded for proper adjudication on merits after giving the applicant an opportunity of hearing.

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 learned Family Court, after carefully examining the pleadings, evidence, and circumstances of the case, rightly held that the respondent, being the legally wedded wife of the applicant, is entitled to maintenance under Section 125 Cr.P.C. The Court observed that the applicant, despite his claims of limited income, failed to produce sufficient and reliable evidence to substantiate his plea of financial incapacity, and further noted that the applicant had retired with substantial retiral benefits and continues to receive pension and support from his sons. The Court also found that the respondent had been residing separately due to the applicant's

neglect and cruel behavior, and her need for financial assistance was clearly established. Considering the material on record, the learned Family Court, by a well-reasoned and justified order dated 28.02.2022, rightly directed the applicant to pay Rs. 6,000/- per month as maintenance to the respondent from the date of filing of the application, ensuring her sustenance and basic livelihood.

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 copy of this order be transmitted to the trial Court concerned forthwith for necessary information and compliance.

Sd/-
(Ramesh Sinha)
Chief Justice

Rahul Dewangan