



2025:CGHC:38426

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 612 of 2022**

Hemlata Choubey W/o Shri Brijbhushan @ Ajay Choubey Aged About 32 Years R/o Thana Road Kawardha, Present Address House Of Basant Dubey, Shikshak Nagar Kawardha, Police Station And Tahsil Kawardha, District Kabirdham Chhattisgarh.

... Applicant**versus**

Brijbhushan Choubey @ Ajay Choubey S/o Late Devi Prasad Choubey, Aged About 39 Years Occupation Contractor And Electricity Shop, R/o Thana Road Kawardha, Police Station And Tahsil Kawardha, District Kabirdham Chhattisgarh.

... Respondent

For Applicant : Mr. Dharmesh Shrivastava, Advocate

For Respondent : None

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****04.08.2025**

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

"It is, therefore, most humbly and respectfully prayed that this Hon'ble Court may kindly be pleased to allow this revision petition and the impugned order dated 16.03.2022 passed by the learned Judge, Family Court, Kawardha, District Kabirdham (C.G.) in Misc. Cri. Case No. 252/2018 may kindly be modified, in the interest of justice."

RAHUL
DEWANGAN

Digitally
signed by
RAHUL
DEWANGAN

2. The facts, in brief, is that the applicant filed an application under Section 125 of the Code of Criminal Procedure, 1973 seeking maintenance from the respondent, asserting that she is the legally wedded wife of the respondent, their marriage having been solemnized on 05.06.2015 at village Khairagarh, District Rajnandgaon (C.G.) as per Hindu rites and rituals. It was alleged that after marriage she resided at her matrimonial home in a joint family, but as she could not conceive, she was subjected to cruelty and taunts by the respondent and his family members, who accused her of being sterile and ultimately abandoned her at her parental home in September 2016. Despite subsequent medical opinion that she was capable of conceiving, the respondent did not take her back or provide financial support. The applicant, having no independent income, claimed that the respondent owns about 50 acres of agricultural land, runs a shop selling electrical and plumbing materials, and is an income-tax assessee with sufficient means to maintain her. The respondent, in reply, denied the allegations, contending that the applicant was quarrelsome, voluntarily left the matrimonial home, earns from tailoring and running a beauty parlour, and is therefore not entitled to maintenance. He further alleged that he had spent considerable amounts on her treatment and that she refused to live in a joint family. Upon appreciation of evidence, the learned Family Court, Kawardha, District Kabirdham (C.G.) partly allowed the application and directed the respondent to pay maintenance of Rs.7,000/- per month to the applicant from the date of application. Aggrieved by the said order, the applicant has preferred this revision petition.

3. Learned counsel appearing for the applicant submits that the impugned order dated 16.03.2022 (Annexure A-1) passed by the learned Judge, Family Court, Kawardha, District Kabirdham (C.G.) is bad in law, perverse, and contrary to the evidence on record, and therefore deserves to be set aside or suitably modified. The learned trial Court failed to properly appreciate the applicant's case and erred in awarding only Rs.7,000/- per month as maintenance, despite clear evidence that the respondent earns over Rs.5,00,000/- annually from agriculture and his business of electrical and plumbing materials, has no liabilities, and is willfully neglecting to maintain his legally wedded wife, who has no independent source of income. The finding of the court below regarding the applicant's entitlement and quantum of maintenance is based on incorrect presumptions and is liable to be enhanced to Rs.20,000/- per month to meet her reasonable needs. Further, the court erred in not awarding any litigation expenses; hence, an additional amount of Rs.2,000/- per hearing from the date of application till disposal of the case is also prayed for. The Family Court's failure to consider these aspects renders the order arbitrary and unsustainable in law and deserves to be 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 learned Family Court, after duly appreciating the pleadings, evidence, and material on record, has rightly concluded that the applicant, being the legally wedded wife of the respondent, was

subjected to neglect and is unable to maintain herself, whereas the respondent is possessed of sufficient means to provide maintenance. The Court carefully considered the allegations and counter-allegations of both parties, including the respondent's plea regarding the applicant's alleged earnings and conduct, and found no cogent evidence to establish that she had any independent income sufficient for her sustenance. The finding that the respondent, despite his substantial agricultural holdings and business income, failed to discharge his statutory duty to maintain his wife is fully justified. Accordingly, the award of Rs.7,000/- per month as maintenance from the date of application is based on a 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 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