



2025:CGHC:38428



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 533 of 2022

Smt. Yogita Dehari W/o Rajendra Dehari Aged About 27 Years R/o Javahar Para, Ward No. 10, Dondi, P.S. And Tehsil Dondi, District : Balod, Chhattisgarh

... Applicant(s)

versus

Rajendra Kumar Dehari S/o Late Vishnu Prasad Dehari Aged About 27 Years Village - Bhagwantola, P.S. And Tehsil Ambagarh - Chouki, District : Rajnandgaon, Chhattisgarh

... Respondent(s)

For Applicant(s) : Mr. Samir Singh, Advocate.

For Respondent(s) : Mr. Amit Kumar Sahu, Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

04/08/2025

1. The applicant has filed this criminal revision against the order dated 28.03.2022 passed by learned Judge, Family Court, Balod, District – Balod (C.G.) in Misc. Criminal Case No.F93/2019, whereby the learned Family Court partly allowed the application under Section 125 CrPC filed by the applicant and directed the



respondent to pay Rs.5,000/- per month to applicant towards maintenance.

2. Brief facts necessary for disposal of this revision are that the marriage between the applicant, Smt. Yogita, and the respondent was solemnized on April 18, 2018, at village Dondi according to Halba customary rites. After the marriage, the applicant was allegedly harassed physically and mentally by her husband and in-laws on the grounds of bringing insufficient dowry. They demanded a car or cash amount worth Rs. 3 lakhs, and upon refusal, the applicant was subjected to physical and mental torture. The applicant is currently residing in her parental home, and the respondent/husband has neglected to maintain her. As the applicant is unable to maintain herself, she filed an application under Section 125 of the CrPC. The Family Court, after providing opportunities to both parties and recording evidence, partly allowed the application filed by the applicant. The respondent / husband was directed to pay a sum of Rs. 5,000/- to the applicant as maintenance. Hence, the revision petition is filed for enhancement of the maintenance amount.
3. Learned counsel for the applicant submits that the applicant is living separately with sufficient cause due to being subjected to physical and mental torture by the respondent and his family members for dowry demands. The trial court has already opined that the respondent caused cruelty to the applicant, and she has sufficient reason to live separately. It was also held that the



applicant is unable to maintain herself. He further submits that the respondent's income is substantial, being an Assistant Grade-2 in the District Treasury, Gariyaband (CG), with a gross pay of Rs. 34,085 per month. The respondent also owns 8 acres of agricultural land, as observed by the trial Court. The trial Court failed to properly assess the respondent's income and the applicant's entitlement to maintenance based on the husband's living standard. Hence, the applicant seeks enhancement of the maintenance amount, considering the respondent's financial capacity and the applicant's inability to maintain herself.

4. 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.
5. I have heard learned counsel for the parties, perused the impugned order and other documents appended with criminal revision.
6. From perusal of the impugned order, it transpires that the Family Court partly allowed the application under Section 125 CrPC filed by the applicant and directed the respondent to pay Rs.5,000/- per month to applicant towards maintenance observing the evidence, the Court concludes that the respondent's physical and mental cruelty towards the applicant provides sufficient cause for the applicant to live separately from the respondent. Furthermore,



applicant has stated that she has no source of income and is dependent on her parents. The respondent has not presented any conclusive evidence to prove that the applicant has a source of income to support herself and is capable of maintaining herself. Therefore, the Family Court concluded that the applicant is entitled for maintenance as aforementioned, which cannot be said to be on lower side.

7. 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.
8. Accordingly, the revision being devoid of merit is liable to be and is hereby **dismissed**.
9. Registrar (Judicial) is directed to transmit the original record to the concerned Family Court within a week from today for necessary information and follow up action.

Sd/-

(Ramesh Sinha)
Chief Justice