



2026:CGHC:21648



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 638 of 2026

Lalita @ Leela W/o Yogendra Agrawal Aged About 27 Years R/o Darrideepa, Rajeev Gandhi Nagar, Raigarh, Tahsil And District- Raigarh (C.G.)

... Applicant(s)

versus

Yogendra Agrawal S/o Rohitas Agrawal Aged About 33 Years R/o Village - Chhapora, Tehsil- Maalkharoda, District- Janjgir-Champa (C.G.)

... Respondent(s)

For Applicant(s) : Mr. Hari Agrawal, Advocate.

For Respondent(s) : None.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

08/05/2026

1. I.A. No.1 of 2026 is an application for condonation of delay in filing the revision of 05 days.
2. On due consideration and for the reasons mentioned in the application, the same is allowed. Delay in filing the revision is hereby condoned.



3. The applicant has filed this criminal revision against the order dated 21.01.2026 passed by learned Judge, Family Court, Raigarh (C.G.) in Case No.F-04/2024, whereby the learned Family Court has partly allowed the application under Section 125 CrPC filed by the applicant/wife and directed the respondent/husband to pay Rs. 3,000/- per month to applicant/wife towards maintenance.
4. Brief facts necessary for disposal of this revision are that the marriage between the applicant and respondent No.1 was solemnized on 10.02.2023 at Village Chandrapur, Tahsil Dabhra, District Janjgir-Champa, in accordance with Hindu rites and customs. At the time of marriage, the parents and relatives of the applicant gave sufficient dowry articles including gold ornaments, clothes, furniture, household articles, utensils and electronic items worth approximately Rs.3,00,000/- according to their financial capacity. After about ten days of cordial marital life, the Respondent No.1, at the instigation of his family members, started demanding an additional dowry of Rs.5,00,000/- from the applicant and subjected her to physical and mental cruelty. The applicant was abused, assaulted, deprived of food and was even compelled to sleep on the floor. During the subsistence of marriage, the applicant was diagnosed with fistula disease, however, the Respondents neglected and refused to provide her proper medical treatment. Thereafter, the parental family of the applicant got her admitted to Medical College, Raigarh, where



substantial expenditure amounting to approximately Rs.2,50,000/- was incurred towards her surgery and treatment. On 02.07.2023, the respondents brutally assaulted the applicant and threatened to burn her alive in case the demand of dowry was not fulfilled. Subsequently, on 03.07.2023, the applicant was forcibly driven out from her matrimonial home after snatching away her personal belongings. Since then, she has been residing at her parental house at Raigarh in a destitute condition and is entirely dependent upon her aged and ailing mother for survival.

5. Having no independent source of income, the applicant filed an application seeking maintenance before the learned trial Court stating that she requires at least Rs.10,000/- per month towards her maintenance and residence expenses. It was specifically pleaded that respondent No.1 is financially well-settled and carries on business under the name "Mangal Tent House". Besides this, he is also engaged in the business of construction materials along with his father and earns additional income from transport and agricultural activities. The total monthly income of respondent No.1 was stated to be approximately Rs.3,00,000/-. During pendency of the proceedings, the learned trial Court by interim order dated 04.05.2024 was pleased to grant interim maintenance of Rs.4,500/- per month in favour of the applicant. Thereafter, by the impugned final order dated 21.01.2026, the learned Trial Court, despite recording findings in favour of the applicant regarding cruelty, neglect and entitlement to maintenance,



reduced the amount of maintenance to a meagre sum of Rs.3,000/- per month, which is wholly inadequate for sustenance of the applicant in present-day circumstances. Being aggrieved and dissatisfied with the inadequacy and arbitrariness of the maintenance amount awarded by the learned trial Court, the applicant has preferred the present Criminal Revision before this Court seeking enhancement of maintenance amount.

6. Learned counsel for the applicant submits that the impugned order passed by the learned trial Court is arbitrary, unjust and contrary to the settled principles governing grant of maintenance. The learned Court failed to appreciate that maintenance should be sufficient to enable the wife to live with dignity and in accordance with the status and financial capacity of the husband. Despite there being no finding regarding any reduction in the income of the respondent, the learned Court erroneously reduced the interim maintenance amount from Rs.4,500/- to Rs.3,000/- per month, without assigning any cogent or sufficient reasons. He further submits that the learned trial Court failed to properly assess the financial status and earning capacity of the Respondent, who is admittedly engaged in multiple businesses including tent house, construction material, transport and agricultural activities, and is earning substantial monthly income. The Court further failed to consider that the applicant has no independent source of income and is entirely dependent upon her aged mother for survival. The amount of Rs.3,000/- awarded towards maintenance is grossly



inadequate and insufficient to meet even the basic necessities of food, shelter, clothing, medical treatment and other day-to-day expenses in the present economic conditions and rising inflation. He also submits that the object of maintenance proceedings is to prevent destitution and secure social justice to the neglected wife and child, however, the impugned order defeats the very purpose of the beneficial legislation. The respondent, having sufficient means, cannot evade his legal as well as moral obligation to maintain the applicant and minor child. The meagre maintenance awarded by the learned trial Court has caused grave hardship, prejudice and injustice to the applicants, who are struggling to maintain a dignified standard of living.

7. I have heard learned counsel for the applicant, perused the impugned order and other documents appended with criminal revision.
8. From perusal of the impugned order, it transpires that the learned Family Court has partly allowed the application under Section 125 CrPC filed by the applicant/wife and directed the respondent/husband to pay Rs. 3,000/- per month to applicant/wife towards maintenance, holding that the applicant is legally entitled to receive maintenance from the respondent as she has been residing separately for sufficient and justified reasons. The learned Family Court, after appreciation of oral and documentary evidence, recorded a finding that the respondent failed to establish that the applicant was residing separately



without any reasonable cause and further observed that no material was brought on record to show that the respondent had made any effort to take back the applicant or provide for her maintenance after she started residing at her parental home from 02.07.2023. It further transpires that although several allegations regarding dowry demand and cruelty were not fully corroborated by documentary evidence or prior complaints, the learned Court found that the conduct of the respondent and his family members in treating the applicant as suffering from an infectious disease and maintaining distance from her created circumstances compelling her to leave the matrimonial home. The learned Family Court also noted that the respondent failed to substantiate his plea regarding the alleged infectious nature of the applicant's illness by producing any cogent medical evidence or examining any doctor in support thereof. However, while determining the quantum of maintenance, the learned Family Court observed that the applicant failed to produce conclusive documentary evidence regarding the exact income and businesses of the respondent, though it was admitted in evidence that the respondent's family was engaged in business activities. Considering the prevailing economic conditions, inflation, nature of work and earning capacity of the respondent, the learned Family Court awarded maintenance as aforementioned, which cannot be said to be on lower side.



9. Considering the submissions 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.
10. Accordingly, the revision being devoid of merit is liable to be and is hereby **dismissed**.

Sd/-
(Ramesh Sinha)
Chief Justice

Kunal