



2025:CGHC:47363



2025:CGHC:47363

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 596 of 2020**

Chandrakant Verma S/o Shri Bishram Verma Aged About 30 Years R/o Kurmipara Ward No. 21, Bemetara, Police Station and District - Bemetara Chhattisgarh.

... Applicant**versus**

1. Smt. Madhvi Verma W/o Chandrakant Verma Aged About 25 Years D/o Shri Bharat Verma, R/o Pragati Nagar, Mowa, In Front of Kumar Provision Store, Before LIC Colony, Mowa, Police Station - Mowa, Tahsil And District - Raipur Chhattisgarh.
2. Minor Aarohi Verma D/o Chandrakant Verma Aged About 4½ Years, Minor Through her Natural Guardian i.e. Mother Namely Smt. Madhvi Verma, R/o Pragati Nagar, Mowa, In Front of Kumar Provision Store, Before LIC Colony, Mowa, Police Station- Mowa, Tahsil And District - Raipur Chhattisgarh.
3. Minor Ananya Verma D/o Chandrakant Verma Aged About 18 Years Minor Through Their Natural Guardian i.e. Mother Namely Smt. Madhvi Verma, R/o Pragati Nagar, Mowa, In Front of Kumar Provision Store, Before LIC Colony, Mowa, Police Station- Mowa, Tahsil And District - Raipur Chhattisgarh.

... Respondents

For Applicant : Mr. Vaibhav A. Goverdhan, Advocate.

For Respondents : None.

**Hon'ble Mr. Ramesh Sinha, Chief Justice****Order on Board****15.09.2025**

1. None appeared on behalf of respondents to press this revision when the matter is called out for hearing today.
2. Heard Mr. Vaibhav A. Goverdhan, learned counsel, appearing for the applicant.
3. The present revision has been filed by the applicant with the following prayer:

"It is therefore, most humbly prayed that, the Hon'ble Court may kindly be pleased to allow the revision and the order dated 05.03.2020 passed by the 1st Additional Principal Judge, Family Court, Raipur, District Raipur (C.G.) passed in MJC No. 566/18, may kindly be set-aside in the interest of justice."

4. Brief facts of the case are that the marriage of the applicant and respondent No. 1 was solemnized on 25.04.2012 according to Hindu rites. Out of the said wedlock, they were blessed with two children. The respondents filed an application under Section 125 of the Criminal Procedure Code, 1973 for grant of maintenance. The said application was filed on the ground that, after one month of their marriage, the applicant and his family members used to taunt respondent No. 1 on account of not receiving the desired dowry. It is alleged that even after the birth of respondent Nos. 2 and 3, the family members of the applicant used to demand jewelry for the children. It is further alleged that respondent No. 1 was forced to massage a Sadhu, and she was subjected to abuse. Thus, the applicant and his family members used to ill-treat her both mentally and physically. It is further averred that for his



personal use, the applicant borrowed Rs. 3,00,000/- and subsequently Rs. 60,000/- from the father of respondent No. 1, but the said amount was never refunded. On 23.05.2018, respondent No. 1 had gone to her parental house, and when she returned after a few days, her mother-in-law stated that she was not worthy of her son. Thereafter, respondent No. 2 was forcibly kept back, and respondent Nos. 1 and 3 were thrown out of the matrimonial house. On 29.08.2018, when the father of respondent No. 1 requested that respondent Nos. 1 and 3 be allowed to reside with the applicant, his request was turned down, and instead, they were threatened and sent back to the parental house of respondent No. 1. On account of this cruelty, it became impossible for respondent No. 1 to reside with the applicant. The respondent No. 1 has further averred that the applicant owns a shop in the name and style of "Verma Printers Photo Studio," from which he earns Rs. 40,000/- per month. Apart from this, the applicant is also having 9.50 acres of agricultural land, from which he earns Rs. 9,00,000/- per annum. Therefore, she claimed Rs. 40,000/- per month as maintenance from the applicant.

5. The applicant filed a detailed reply to the application and denied all the allegations. It was specifically denied that he or his family members had ever ill-treated the respondents. It was further submitted that the respondents are residing separately without any sufficient cause, and hence, respondent No. 1 is not entitled to any maintenance.
6. After hearing both the parties learned Family Court, partly allowed the application and awarded monthly maintenance of Rs. 6,500/- to the respondents.
7. Learned counsel for the applicant submits that the impugned order passed by the learned Family Court is erroneous, unjust, unreasonable,



and illegal. The same has been passed on the basis of conjectures and surmises and, therefore, deserves to be set aside. Learned Family Court has failed to appreciate that respondent No. 1 has not been able to prove that she was subjected to cruelty by the applicant, and therefore, the impugned order is not sustainable in the eyes of law. It is submitted that the learned learned Family Court ought to have appreciated that the application filed by the applicant under Section 9 of the Hindu Marriage Act was allowed, and the suit was decreed on 09.01.2020, i.e., prior to the passing of the order in the case of maintenance, and it was marked as Ex. P-3. In the said judgment, the competent Civil Court specifically held that the wife is residing separately without sufficient reason. Therefore, once there is a decree of restitution of conjugal rights against the wife, it is clear that she is residing separately from her husband without sufficient cause, and thus, her application for maintenance ought to have been dismissed. It is submitted that the learned learned Family Court, in paragraph No. 11 of its judgment, noted that the judgment and decree of restitution of conjugal rights passed in favor of the husband would be considered in this case. However, while dealing with the matter and writing the judgment, the learned learned Family Court failed to give any finding on this issue and, thus, did not follow its own observation. It is submitted that the learned learned Family Court ought to have appreciated that it was discharging its duties as a quasi-criminal Court, whereas the judgment and decree passed by the competent Civil Court are binding on a quasi-criminal Court. It is submitted that the learned Family Court has grossly erred in holding that the respondents are not able to maintain themselves, even though there is no pleading to that effect, and hence they are not entitled to maintenance. It is submitted that the learned Family Court has grossly erred in holding that the applicant



was ill-treating respondent No. 1 and that she, therefore, had sufficient reason to stay separately. It is submitted that the learned Family Court ought to have appreciated that respondent No. 1 admitted in paragraph 12 of her deposition that, in a social meeting, she admitted her mistakes in writing and a compromise was arrived at. This clearly shows that respondent No. 1 has filed a false case against the applicant. It is submitted that the learned learned Family Court ought to have appreciated that respondent No. 1 admitted that the applicant had taken Rs. 2,00,000/- from her father, which amount was returned. However, in the present application, she has falsely alleged that Rs. 3,00,000/- and Rs. 60,000/- were taken. It is submitted that the learned Family Court has not properly appreciated the evidence available on record, and therefore, the impugned order is liable to be set aside.

8. I have heard learned counsel for the applicant and perused the judgment of the learned Family Court.
9. Considering the submission advanced by the learned counsel for the applicant, materials available on record and also considering the price index and medical expenses, total amount awarded to the respondents cannot be said to be shockingly on higher side warranting interference by this Court in the present revision petition.
10. Accordingly, the criminal revision being devoid of merit is liable to be and is hereby **dismissed**.

Sd/-
(Ramesh Sinha)
Chief Justice