



2026:CGHC:3097

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 667 of 2023

Dr. Dharmendra Kumar Parihar S/o Samaru Ram Parihar Aged About 38 Years (Now 46 Years), R/o Dream City, Baima Nagoi, Road, Bilaspur, Tahsil And District - Bilaspur, Chhattisgarh.

... Applicant

versus

1 - Smt. Sushma Parihar W/o Dr. Dharmendra Kumar Parihar Aged About 36 Years (Now Aged About 44 Years) R/o Ayodhya Nagar, Ring Road-2, Bilaspur, Tahsil And District - Bilaspur, Chhattisgarh.

2 - Ku. Vedika Parihar D/o Dr. Dharmendra Kumar Parihar Aged About 6 Years (Now Aged About 11 Years), Minor, Through Natural Guardian Mother Smt. Sushma Parihar, R/o Ayodhya Nagar, Ring Road-2, Bilaspur, Tahsil And District - Bilaspur, Chhattisgarh.

3 - Ku. Gitika Parihar D/o Dr. Dharmendra Kumar Parihar Aged About 3 Years (Now Aged About 8 Years), Minor, Through Natural Guardian Mother Smt. Sushma Parihar, R/o Ayodhya Nagar, Ring Road-2, Bilaspur, Tahsil And District - Bilaspur, Chhattisgarh.

... Respondents

For Applicant : Mr. Ravipal Maheshwari, Advocate

For Respondents : None

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

19.01.2026

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

"It is therefore prayed that this Hon'ble Court

may kindly be pleased to allow this revision and further be pleased to set-aside the order dated 30.05.2023 passed by the court of learned Principal Judge, Family Court, Bilaspur (C.G.), in M.J.C. Case No. Bilaspur, District 437/2019, in the interest of justice.”

2. The facts of the case, in brief, are that the respondents filed an application under Section 125 of the Code of Criminal Procedure before the learned Family Court, stating that the marriage between the applicant and respondent No.1 was solemnized on 22.11.2009 in accordance with Hindu customs and rites, and that respondent Nos.2 and 3 were born out of the said wedlock. It was contended that respondent No.1, who is an MBBS doctor and is working at Apollo Hospital, Bilaspur, earning about Rs.1,00,000/- per month, voluntarily left the matrimonial home due to her arrogant and dominating attitude and preferred to reside at her parental house despite repeated requests made by the applicant to live together. Due to persistent matrimonial discord, the parties ultimately got separated and a divorce was executed under Section 3 of the Hindu Marriage Act. Thereafter, respondent No.1 filed an application under Section 125 Cr.P.C. seeking maintenance, which was allowed by the learned Trial Court, granting maintenance of Rs.15,000/- per month each to respondent Nos.2 and 3, despite the fact that the applicant was already paying Rs.20,000/- per month towards their maintenance. Being aggrieved by the said order, the applicant has preferred the present revision.

3. Learned counsel for the applicant submits that the impugned order passed by the learned Family Court is bad in law, perverse in nature and has been passed without proper appreciation of the evidence and documents available on record. It is contended that the non-applicants are residing separately without any sufficient or justifiable cause. Respondent No.1 is not residing in a rented accommodation and is a Senior Resident Doctor working at Apollo Hospital, Bilaspur, earning more than Rs.1,00,000/- per month, and despite being self-sufficient and having executed an affidavit stating that she is capable of maintaining herself and the children, she has filed the present maintenance application with mala fide intention. It is further submitted that the applicant has no source of income other than his government service and the allegation that he owns more than 35 acres of agricultural land is wholly incorrect, as the applicant jointly owns only about 2.5 acres of land along with his six brothers and one sister. The applicant is also burdened with the responsibility of maintaining his aged mother and younger sister, and is further saddled with liabilities including car loan, house loan and medical expenses of his mother, rendering him financially incapable of paying the excessive amount of maintenance awarded. It is further submitted that respondent No.1 belongs to a financially affluent family and voluntarily chose not to reside with the applicant, resulting in deprivation of the applicant's matrimonial life and ultimately leading to divorce. Since respondent No.1 is an earning and self-sufficient lady having no dependent, she is fully capable of maintaining herself as well as the children, and therefore, the impugned order 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, upon due consideration of the pleadings, material placed on record and the financial needs of respondent Nos.2 and 3, has rightly allowed the application under Section 125 of the Code of Criminal Procedure. The Court has correctly taken note of the admitted marital relationship between the parties and the fact that respondent Nos.2 and 3 are the children born out of the said wedlock. It has further been rightly observed that irrespective of the personal disputes between the spouses or the subsequent divorce, the legal, moral and statutory obligation of the applicant to maintain his children continues. The learned Family Court, after assessing the means of the applicant and the requirements of the minor children, has passed a well-reasoned and balanced order granting maintenance of Rs.15,000/- per month each to respondent Nos.2 and 3, which cannot be said to be excessive or arbitrary. The impugned order has been passed in accordance with settled principles of law governing maintenance.
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 certified 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

Rahul Dewangan