



2025:CGHC:38878

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HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 616 of 2023

Prashant Purena S/o. Shri Jagjeevan Ram Purena, Aged About 37 Years
R/o. Purani Basti, Balodabazar, P.S. Balodabazar, District Balodabazar -
Bhatapara Chhattisgarh

... Applicant(s)

versus

1 - Smt. Anju Purena W/o. Prashant Purena, Aged About 41 Years R/o.
Purani Basti, Balodabazar, P.S. Balodabazar, District Balodabazar -
Bhatapara Chhattisgarh

2 - Himanshu Purena S/o. Prashant Purena, Aged About 18 Years R/o.
Purani Basti, Balodabazar, P.S. Balodabazar, District Balodabazar -
Bhatapara Chhattisgarh

3 - Minor Hitesh Purena, S/o. Prashant Purena, Aged About 14 Years
R/o. Purani Basti, Balodabazar, P.S. Balodabazar, District Balodabazar -
Bhatapara Chhattisgarh Non- Applicant No. 3 Through His Natural
Guardian Mother Smt. Anju Purena Yadav, Non - Applicant No. 01

... Non-applicant(s)

For Applicant : Mr. Ravindra Sharma, Advocate.

For Non-applicants : Mr. Akhtar Hussain, Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

05.08.2025

1. By way of this revision, the applicant has prayed for following relief:

“It is therefore prayed that this Hon'ble court may kindly be pleased to allow the revision and may kindly be pleased to set aside the impugned order dated 31.03.2023 passed by Learned Judge Family Court Balodabazar, Dist-Balodabazar-Bhatapara (C.G.) in Misc. Criminal Case No. 128/2022, in the interest of justice.”

2. Brief facts of the case are that as per the application filed by the non-applicants the marriage between the applicant and non-applicant No. 01 took place in the year 2003 by Hindu Ritual and after marriage the non-applicant No.1 was residing at her matrimonial home at Village- Balodabazar and out of their wedlock two sons Himanshu and Hitesh were born. After some time of marriage, the applicant started treating the non-applicant No.1 with cruelty, both physically and mentally and also neglected her basis needs. Due to harassment and ill-treatment, the non-applicant No.1 was compelled to leave the matrimonial home and is currently residing separately and due to lack of financial difficulty she filed an application under Section 125 of Cr.P.C. before the learned Family Court for grant of maintenance. The non-applicant No.1 further submitted that the present applicant is working as Bus conductor and he has kept another lady as a wife since last 9-10 years, the applicant is earning Rs. 15000/- per month and he is the owner of the six rooms house and he is also earning from rent on the other

hand the non-applicant No. 01 is working as maid and she is facing financial difficulty in maintaining herself and her minor children, she further submits that the non-applicant 2 & 3 are student and there are need of money for their education and treatment of non-applicant No. 01, so looking into the income of the applicant she sought maintenance from the applicant of Rs. 8,000/-per month.

3. After service of notice, the applicant marked his presence and refuted the claim of the application that the applicant is working as helper in Bus and he is getting only Rs. 150-200 per day, the non-applicant No. 01 left his house about 14 years ago and since then she is residing separately from him at her parental home, thereafter he has married with another lady and out of their wedlock two children's were born. The non-applicant No. 01 is capable to earn, that since last 13 years she has not claimed any maintenance, that the present applicant has no regular source of income and after 14 years ago, presently she preferred the application under Section 125 of Criminal Procedure Code without explaining the sufficient reason to live separately therefore the non-applicant is not entitled to get the maintenance.
4. After hearing both the parties and after perusal of the documents placed on record, the learned Family Court partly allowed the application filed by the non-applicants and awarded Rs. 2000/-per month to non applicant No. 01 and Rs. 1500/- each to the non-applicant No. 02 & 03 total Rs. 5000/-per month as maintenance. Hence, this revision.

5. Learned counsel for the applicant submits that the learned Family Court as awarded maintenance Rs. 5000/- per month, ignoring that the non-applicant No. 02 has attained the majority therefore he is not entitled to get any maintenance, the non-applicant No. 01 is living separately since last 14 years without any sufficient reason and further it is pertinent to mention here that there is no legal marriage between the parties therefore also the non-applicant No. 01 is not entitled to get any maintenance. The learned Family Court erred in ignoring that the relationship between the parties was dissolved way back in the year 2007-08 and she is living separately since then, the learned Family Court also erred in evaluating the income of the husband and fixed the said maintenance amount. The learned Family Court also failed to consider that the applicant is taking care of his old age parents, and he has awarded the maintenance on the higher side without any assessment of the income of the applicant only on the basis of the oral statement of the non- applicant No. 01 which is illegal, improper and contrary to the law. The learned Family Court failed to appreciate the facts and circumstances of the case, statement of witnesses and documents available on record. Therefore, the same is liable to be set-aside.
6. On the other hand, learned counsel for the non-applicants opposes the submissions made by the learned counsel for the applicant and submits that the learned Family Court after considering all the documents and evidence adduced by the parties has rightly passed the order, in which no interference is called for.

7. I have heard learned counsel for the parties, perused the impugned order and other documents appended with revision.
8. From perusal of the impugned order, it transpires that learned Family Court has held that the non-applicants has succeeded in proving her application. Therefore, keeping in view the social status of both the parties, monthly income of the applicant, the Family Court has granted maintenance of Rs.2000/- per month to the non-applicants No.1 and Rs. 1500/- per month each to the non-applicant Nos.2 and 3 (Total 5000/-) as maintenance, which cannot be said to be shockingly on higher side.
9. Considering the submissions advanced by learned counsel for the parties, perusing the documents appended with revision and finding recorded by learned Family Court while awarding the maintenance of Rs.5000/- per month to the non-applicants, I am of the considered view that learned Family Court has not committed any illegality or irregularity 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**.
11. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance.

Sd/-
(Ramesh Sinha)
Chief Justice