



2026:CGHC:3098



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 655 of 2023

Samarth Awasthi S/o. Late Santosh Awasthi, Aged About 35 Years R/o. Flat No. 304, Sagar Apartment, Chadda Badi, Nehru Nagar, Bilaspur, District Bilaspur Chhattisgarh (C/o. Dr. Satyabhama Awasthi, W/o. Late Santosh Awasthi)

... Applicant

versus

Smt. Abhilasha Awasthi W/o. Samarth Awasthi, Aged About 32 Years R/o. Near Mig-56, Nehru Nagar, Bilaspur, Police Station - Civil Line, Tahsil And District Bilaspur Chhattisgarh.

... Respondent

For Applicant : Mr. Vivek Kumar Shrivastava, Advocate

For Respondent : Mr. Tarendra Kumar Jha, Advocate

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 set aside the impugned order dated 13.1.2023 (Annexure A/1) passed by the learned Additional Principal Judge, Family



Court, Bilaspur (CG) in M.J.C. No.961/2017 and remand the matter to the Family Court for deciding the same afresh after deciding the applications under Order 6 Rule 17 of CPC and Section 91 of CrPC of the applicant in accordance with law, in the interest of justice.”

2. The facts of the case, in brief, are that the marriage between the applicant and the respondent was solemnized on 29.11.2013 as per Hindu customs and rituals at Bilaspur. Alleging cruelty and dowry harassment by the applicant and his family members, the respondent left the matrimonial home and thereafter filed an application under Section 125 of the Code of Criminal Procedure claiming maintenance of Rs.50,000/- per month on the ground that she had no source of income, whereas the applicant was allegedly earning substantial income from service, properties, vehicles and agricultural land. The applicant filed his written statement denying all allegations and asserting that the respondent had voluntarily deserted the matrimonial home. The learned Family Court, vide order dated 13.02.2019, partly allowed the application and granted maintenance of Rs.20,000/- per month to the respondent, which was set aside by this Hon'ble Court in CRR No.1466/2019 with a direction to decide the matter afresh. During the remanded proceedings, the applicant filed applications under Order VI Rule 17 CPC and Section 91 CrPC contending that the respondent was gainfully employed as a Senior Associate with State Street Corporate Services Mumbai Pvt. Ltd. and earning substantial



income, however, without adjudicating the said applications, the learned Family Court proceeded to decide the matter and by the impugned order dated 13.01.2023, partly allowed the application under Section 125 CrPC and directed the applicant to pay maintenance of Rs.10,000/- per month to the respondent. Being aggrieved by the said order, the applicant has preferred the present revision.

3. Learned counsel for the applicant submits that the learned Court has failed to properly appreciate the evidence available on record while passing the impugned order. It is contended that in compliance with the directions of the Hon'ble Supreme Court in Rajnish vs. Neha, the applicant duly disclosed his income from all sources, whereas the respondent deliberately suppressed her true income and furnished incorrect particulars before the Family Court. Despite the applicant placing on record the appointment letter and income tax return of the respondent clearly reflecting her earnings, the learned Family Court ignored the said material evidence and proceeded to pass the impugned order in an illegal and arbitrary manner. It is further submitted that the applicant had also filed an application dated 13.05.2022 seeking a direction to the respondent to submit a detailed affidavit disclosing her income in terms of the aforesaid directions of the Hon'ble Supreme Court, to which the respondent raised only oral objections without filing any reply; however, the learned Family Court failed to consider this vital aspect and relied merely on the oral testimony and documents produced by the respondent. The impugned order, having been



passed without due application of judicial mind to the factual and legal issues involved and without deciding the pending applications under Order VI Rule 17 CPC and Section 91 CrPC, is mechanical in nature and therefore deserves to be set aside, with a direction to decide the matter afresh in accordance with law.

4. On the other hand, learned counsel, appearing for the respondent opposes the prayer made by the learned counsel for the applicant and supports the impugned order passed by the learned Additional Principal Judge, Family Court, Bilaspur, District- Bilaspur, (C.G.).
5. I have heard learned counsel for the parties, perused the pleadings and documents appended thereto.
6. From the perusal of the impugned order, it transpires that the learned Family Court, upon due consideration of the pleadings of the parties, the evidence available on record and the material placed before it, rightly allowed the application under Section 125 of the Code of Criminal Procedure to the limited extent. The Court took note of the admitted marital relationship between the parties, the fact that the respondent was residing separately on account of matrimonial discord, and her entitlement to maintenance in terms of law. The learned Family Court, while exercising its judicial discretion, assessed the overall facts and circumstances of the case and granted a reasonable and reduced amount of maintenance of Rs.10,000/- per month, balancing the needs of the respondent with the financial capacity of the applicant. The impugned order dated 13.01.2023 reflects due application of mind and does not suffer from any perversity, illegality or arbitrariness.



The learned Family Court has acted well within its jurisdiction and in consonance with the settled principles governing proceedings under Section 125 CrPC.

7. Considering the submission 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 criminal revision, being devoid of merit, is liable to be and is hereby **dismissed**.
9. 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