



2026:CGHC:4218



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 864 of 2023

1 - Smt. Chintamani W/o Thibru Ram Aged About 16 Years R/o Village Dimrapal, Tahsil Tokapal, District Bastar (C.G.)

2 - Nurmaharshi S/o Thibru Ram Aged About 22 Years R/o Village Dimrapal, Tahsil Tokapal, District Bastar (C.G.)

3 - Ku. Bhargavi D/o Thibru Ram Aged About 19 Years R/o Village Dimrapal, Tahsil Tokapal, District Bastar (C.G.)

4 - Ku. Geetanjali D/o Thibru Ram Aged About 17 Years Minor Through Her Natural Guardian Mother I.E. Applicant No. 1 R/o Village Dimrapal, Tahsil Tokapal, District Bastar (C.G.)

5 - Ku. Vidyananda D/o Thibru Ram Aged About 13 Years Minor Through Her Natural Guardian Mother I.E. Applicant No. 1 R/o Village Dimrapal, Tahsil Tokapal, District Bastar (C.G.)

... Applicant(s)

versus

Thibru Ram Kashyap S/o Sudru Ram Kashyap Aged About 54 Years R/o Village Dimrapal, Tahsil Tokapal, District Bastar (C.G.)

... Respondent(s)

For Applicant(s) : Mr. Vikas A. Shrivastava, Advocate.

For Respondent(s) : None.

**Hon'ble Shri Ramesh Sinha, Chief Justice****Order on Board****23/01/2026**

1. The applicant has filed this criminal revision against the order dated 27.04.2023 passed by learned Judge, Family Court, Jagdalpur, District – Bastar (C.G.) in Cri. M.J.C. No.99/2021, whereby the learned Family Court has partly allowed the application under Section 125 CrPC filed by the applicants and directed the respondent to pay Rs.5,000/- per month to applicant No.1, Rs.3,500/- per month to applicant No.3, Rs.3,000/- per month to applicant No.4 and Rs.2,500/- per month to applicant No.5, towards maintenance.
2. Brief facts necessary for disposal of this revision are that the applicants filed an application under Section 125 of the Code of Criminal Procedure before the learned Family Court, Jagdalpur, District Bastar (C.G.), stating that the marriage between applicant No.1 and the respondent was solemnized in the year 2000 according to customary rites and out of the wedlock four children were born. It was alleged that after about ten years of marriage, the respondent neglected and ill-treated the applicants, assaulted them, kept another woman, and ultimately deserted them without any just cause, rendering them unable to maintain themselves. It was further pleaded that the respondent is working as an Assistant Teacher at Mata Rukmani Ashram (Gandhi Ashram) and is earning about Rs.80,000/- per month. Upon notice, the



respondent appeared and denied the allegations, contending that he has been maintaining his wife and children, that his monthly salary is Rs.62,292/-, and that he also has the responsibility of maintaining his aged mother. He further alleged misconduct on the part of some applicants and claimed that applicant No.1 is running a hotel and has agricultural income sufficient for her livelihood. After completion of pleadings and appreciation of evidence, the learned Family Court partly allowed the application and by order dated 27.04.2023 directed the respondent to pay a total maintenance of Rs.14,000/- per month to the applicants, apportioned among them. Aggrieved by the said order, the present revision has been filed.

3. Learned counsel for the applicant submits that the learned Family Court has erred in law and facts in not appreciating the matter in its true and proper perspective and in overlooking the material evidence adduced by the applicants, while placing undue reliance on the evidence of the non-applicant. The findings and conclusions recorded by the learned Court are perverse, arbitrary, and not based on cogent evidence available on record. He further submits that the learned Family Court failed to properly assess the income and earning capacity of the non-applicant and awarded a very meager amount of maintenance, which is wholly insufficient to meet the basic needs of the applicants. The learned Court also ignored the fact that applicant Nos. 2 to 05 are students pursuing their education in schools/colleges involving substantial



educational expenses, and further erred in denying maintenance to applicant No. 02 despite his being a dependent college-going child. He also submits that the learned Family Court overlooked settled principles of law that the wife is entitled to the same standard of living which she enjoyed while residing with the husband, and also failed to consider that the applicants were deserted without any just cause and that the non-applicant is having an illicit relationship with another woman. Considering the prevailing minimum wages and cost of living, the maintenance awarded is on the lower side and deserves suitable enhancement.

4. I have heard learned counsel for the applicant, perused the impugned order and other documents appended with criminal revision.
5. From perusal of the impugned order, it transpires that the learned Family Court, after appreciating the oral and documentary evidence on record, held that applicant No.1 is the legally wedded wife of the respondent and applicant Nos.3 to 5 are their dependent children, and that the applicants are unable to maintain themselves, whereas the respondent is a person having sufficient means and has neglected to maintain them. Accordingly, the learned Family Court partly allowed the application under Section 125 Cr.P.C. and granted maintenance as mentioned in para 1, which cannot be said to be on lower side and has rejected the claim of applicant No.2 on the ground of his attaining majority.



6. 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.
7. Accordingly, the revision being devoid of merit is liable to be and is hereby **dismissed**.

Sd/-

(Ramesh Sinha)
Chief Justice

Abhishek