



2026:CGHC:3702

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 872 of 2023

Muralidhar Chauhan S/o Bharos Gada (Chauhan) Aged About 30 Years
R/o Salhepali, Post Naurangpur, Tahsil And District Raigarh (C.G.)
Presently R/o 103 (D), Bundia C.T., R Kudopali, Jharsugda, Odisha

... Applicant(s)

versus

1 - Daruna Chauhan W/o Muralidhar Chauhan Aged About 27 Years
Occupation (None), R/o Village Chuhkimar, Bhendra, Tahsil And District
Raigarh (C.G.)

2 - Minor Shrishti Chauhan D/o Muralidhar Chauhan Aged About 3 Years
Through Her Natural Guardian Mother Shrishti Chauhan, R/o Village
Chuhkimar, Bhendra, Tahsil And District Raigarh (C.G.)

... Respondent(s)

For Applicant(s) : Mr. Jeet Patel, Advocate.

For Respondent(s) : None.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

21/01/2026

1. The applicant has filed this criminal revision against the order dated 16.06.2023 passed by learned Family Court, Raigarh (C.G.) in Cr. M.J.C. No.F-14/2022, whereby, the learned Family Court partly

allowed the application under Section 125 Cr.P.C. filed by the respondents and directed the applicant to pay Rs.3,000/- per month to respondent No.1 and Rs.2,000/- per month to respondent No.2 towards maintenance.

2. Brief facts necessary for disposal of this revision are that the respondents filed an application under Section 125 Cr.P.C. before the learned Family Court, Raigarh, stating that the marriage between the applicant and respondent No.1 was solemnized on 30.04.2018 as per social rites and that out of the wedlock respondent No.2 was born and is residing with respondent No.1. The respondent No.1 alleged that after marriage the parties resided at Brijrajnagar, Odisha, where disputes arose on account of alleged harassment and dowry demands by the applicant's family members, and that she was compelled to reside at her parental home after being sent there during pregnancy. It was further alleged that after the birth of the female child, the applicant and his family members neglected the respondents and refused to take them back to the matrimonial home despite repeated requests. The applicant submits that during the pendency of the proceedings he was residing at Brijrajnagar, Odisha, and due to a fracture in his foot he could not appear before the learned Family Court, as a result of which he was wrongly proceeded ex parte and could not file his reply. That vide impugned order dated 16.06.2023, the learned Family Court allowed the application under Section 125 Cr.P.C. and directed the applicant to pay Rs. 5,000/- per month as maintenance to the respondents

from the date of filing of the application, which has given rise to the present revision.

3. Learned counsel for the applicant submits that the impugned order dated 16.06.2023 passed by the learned Family Court is bad in law, perverse and erroneous, as the applicant was proceeded *ex parte* without being afforded a proper opportunity of hearing, and therefore the said order is liable to be set aside. He further submits that the learned Family Court failed to appreciate that the applicant has always been ready and willing to keep the non-applicants with him and that the non-applicant No.1 had herself left the matrimonial home without any sufficient or reasonable cause. The finding regarding cruelty and neglect recorded by the learned Family Court is incorrect and contrary to the material available on record. He also submits that the learned Family Court further failed to consider that the applicant is presently jobless due to a fracture in his foot and is dependent upon his parents for survival, whereas the non-applicant No.1 is capable of earning and is engaged in tailoring work, and is also living comfortably after taking household articles belonging to the applicant's family, which facts have not been properly appreciated while passing the impugned order.
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 partly allowed the application under Section 125 Cr.P.C. filed by the respondents and directed the applicant to pay

Rs.3,000/- per month to respondent No.1 and Rs.2,000/- per month to respondent No.2 towards maintenance observing that the marital relationship between the parties and the birth of respondent No.2 stood proved from the uncontroverted affidavit evidence and documents on record, the learned Family Court further concluded that the respondents were residing separately without any independent source of income, and that considering the present cost of living and minimum wages, it was the legal and moral obligation of the applicant to provide maintenance to the respondents, therefore, the Family Court came to the conclusion that respondents are entitled to maintenance as aforementioned, which cannot be said to be on higher side.

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