



2026:CGHC:3090



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 850 of 2023

Satish Tandon S/o Sushil Tandon Aged About 26 Years Resident Of Village Hardi, Post Office Hardi, Police Station And Tehsil Navagarh, District Bemetara (C.G.)

... Applicant(s)

versus

1 - Sarita Tandon W/o Satish Tandon Aged About 23 Years R/o Village Hardi, Post Office Hardi, Police Station And Tehsil Navagarh, District Bemetara (C.G.) Presently Residing At Village Khairjhiti Kala, Post Office Hatranka, Police Station And Tehsil Thankhamhria District Bemetara (C.G.)

2 - Tanmay Tandon S/o Satish Tandon Aged About 10 Years Through Natural Guardian Sarita Tandon Mother, R/o Village Hardi, Post Office Hardi, Police Station And Tehsil Navagarh, District Bemetara (C.G.) Presently Residing At Village Khairjhiti Kala, Post Office Hatranka, Police Station And Tehsil Thankhamhria District Bemetara (C.G.)

... Respondent(s)

For Applicant(s) : Mr. Siddhant Kumar Das, Advocate.

For Respondent(s) : Ms. Deblina Maity holding the brief of Mr.
Akhtar Hussain, Advocate.



Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

19/01/2026

1. The applicant has filed this criminal revision against the order dated 22.07.2023 passed by learned Family Court, Bemetara (C.G.) in Cri. M.J.C. No.230/2023, 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 applicant and respondent No. 1 were married on 04.07.2021, and out of the said wedlock, respondent No. 2 (minor child) was born.
3. Respondent No. 1 left the matrimonial home alleging ill-treatment by the applicant and thereafter filed an application under Section 125 of the Code of Criminal Procedure, claiming maintenance of Rs.10,000 per month for herself and Rs.10,000 per month for respondent No. 2. In her application, respondent No. 1 alleged that the applicant is a tractor driver, owns a tractor trolley given on rent, has a huller mill at his house, and earns about Rs.1,00,000 per month. She further alleged that the applicant owns 12 acres of agricultural land generating an annual income of approximately Rs.8,00,000, whereas she and respondent No. 2 are unable to maintain themselves. The applicant filed a detailed reply denying



all allegations of ill-treatment and income. He asserted that respondent No. 1 deserted the matrimonial home without any just cause and did not return despite repeated efforts made by him, his family members, and community elders. He also stated that his brother Deepesh died of cancer in March 2023. The applicant specifically denied owning any tractor, tractor trolley, huller mill, or earning the alleged income from agriculture, and expressed his willingness to cohabit with respondent No. 1. Despite the applicant's denial and absence of documentary proof regarding ownership of the alleged assets and income, the learned court below passed the impugned order granting maintenance in a mechanical manner, without proper appreciation of evidence and factual aspects. While passing the impugned order, the court below failed to comply with the binding directions of the Hon'ble Supreme Court laid down in ***Rajneesh vs. Neha and Another (2021) 2 SCC 324***, which mandate filing of affidavits of disclosure of assets and liabilities to enable objective determination of maintenance. The Family Court determined the maintenance amount on the basis of guesswork and exaggerated assertions of respondent No. 1, without insisting upon affidavits of assets and without any substantive proof of the applicant's income or ownership of assets, thereby giving rise to the present revision petition.

4. Learned counsel for the applicant submits that the impugned order is bad in law and on facts, having been passed without



proper consideration and appreciation of the facts and circumstances of the case. The learned court below failed to objectively assess the evidence on record and proceeded in a mechanical manner while granting maintenance. He further submits the impugned order is contrary to the settled law laid down by the Hon'ble Supreme Court in ***Rajnesh v. Neha and Another reported in (2021) 2 SCC 324***, as no affidavit of disclosure of assets and liabilities was filed by respondent No. 1. The learned court below further failed to appreciate that the respondent No. 1 grossly exaggerated the income of the petitioner without any documentary proof of ownership of the alleged assets, including the tractor, agricultural land, or huller mill, which in fact belongs to a Self Help Group of the village. He also submits that the learned Family Court also ignored the material facts relating to the financial liabilities of the petitioner, including the serious illness and subsequent death of his brother Late Deepesh Tandon due to blood cancer on 03.03.2023, leaving behind his widow and two minor children, and the heavy medical expenses incurred for his treatment. The impugned order, being based on conjectures and surmises and without sufficient grounds, is therefore liable to be set aside.

5. On the other hand, learned counsel for the respondent opposes the submissions made by the learned counsel for the applicant and submits that the Family Court after considering all the



documents and evidence adduced by the parties has passed the order, in which no interference is called for.

6. I have heard learned counsel for the parties, perused the impugned order and other documents appended with criminal revision.
7. 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 respondent No. 1 is unable to maintain herself and the minor child (respondent No.2) and the applicant is a person having sufficient means and earning capacity, and that respondent No. 1 is residing separately from the applicant for sufficient and justifiable reasons on account of alleged cruelty and ill-treatment. The learned Court, after appreciating the oral evidence of the parties and witnesses, concluded that the respondents are entitled to maintenance and accordingly granted the aforesaid amount as monthly maintenance, which cannot be said to be on higher side.
8. Considering the submissions 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.



9. Accordingly, the revision being devoid of merit is liable to be and is hereby **dismissed**.
10. Registrar (Judicial) is directed to transmit the original record to the concerned Family Court within a week from today for necessary information and follow up action.

Sd/-

(Ramesh Sinha)
Chief Justice

Akhil