



2026:CGHC:3696



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 998 of 2023

Tejeshwar Sahu S/o Vishnu Sahu Aged About 31 Years R/o Village-Sonpairi, (Tekari), Police Station- Sejbahar Raipur, District : Raipur, Chhattisgarh.

... Applicant

versus

Smt. Tulsi Sahu W/o Tejeshwar Sahu Aged About 28 Years D/o Ganesh Ram Sahu, R/o Village- Amashivani (Vidhansabha), District : Raipur, Chhattisgarh.

... Respondent

For Applicant : Ms. Dhaneshwari Patel, Advocate

For Respondent : Mr. Tanuj Patwardhan, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

21.01.2026

1. This criminal revision has been filed by the applicant with the following prayer:

"It is therefore, respectfully prayed that this Hon'ble Court may kindly be pleased to set-aside the order dated 03.07.2023, passed by the court of first additional principle judge, family court, Raipur, (C.G.), in Misc. Criminal Case No. 591/2019, in the interest of justice."



2. The facts of the case, in brief, are that the respondent filed an application under Section 125 of the Code of Criminal Procedure seeking maintenance of Rs.15,000/- per month from the applicant, stating that her marriage with the applicant was solemnized on 10.05.2014 at Village Aamashivni, District Raipur (C.G.) in accordance with Hindu rites and rituals, and that after some time of marriage she was subjected to cruelty, due to which she left the matrimonial home. She further pleaded that she has no independent source of income to maintain herself, whereas the applicant has sufficient means. The applicant filed his reply denying the allegations and contending that the respondent is engaged in sewing and running a fancy store and is capable of maintaining herself, and that she left the matrimonial home on her own accord, while he himself has no stable source of income. After framing of issues and recording of evidence of both the parties, the learned Family Court, by order dated 03.07.2023, partly allowed the application and directed the applicant to pay maintenance of Rs.4,000/- 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 impugned order passed by the learned Family Court is contrary to the facts and evidence on record. It is further submitted that the Court has failed to properly appreciate that the respondent voluntarily left the matrimonial home and is capable of maintaining herself. The learned Family Court has also erred in awarding maintenance without due regard to the applicant's financial condition, including



his responsibility to maintain his aged and ailing parents.

Consequently, the maintenance granted is excessive and not 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 First Additional Principal Judge, Family Court, Raipur, District- Raipur, (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, evidence and material available on record, has rightly appreciated the facts and circumstances of the case and has passed a just and proper order. The learned Family Court, after framing the necessary issues and recording the evidence of both the parties, found that the respondent-wife was unable to maintain herself and that the applicant-husband had sufficient means to provide maintenance. Keeping in view the status of the parties, the nature of allegations, and the overall facts of the case, the learned Family Court has judiciously exercised its discretion and partly allowed the application under Section 125 of the Code of Criminal Procedure by awarding a reasonable sum of Rs.4,000/- per month as maintenance to the respondent.



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