



2026:CGHC:3701

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 931 of 2023**

Vikas @ Sonu Padwar S/o Devnarayan Aged About 30 Years Resident Of Village Badkagaon, Police Staton Chalgali, Tahsil Wadrafnagar, District Balrampur (C.G.), At Present Resident Of Village Bheski (Korwapara), Post Bariyon, Police Station Rajpur, District Balrampur (C.G.)

... respondent(s)**versus**

1 - Smt. Reena Padwar W/o Vikas @ Sonu Padwar Aged About 27 Years Resident Of Village Bheski (Korwapara), Post Bariyon, Police Station Rajpur, District Balrampur (C.G.), At Present Resident Of Village Dandkarwan, Police Chowki Revati, Police Station Chandoura, Tahsil Pratappur, District Surajpur (C.G.)

2 - Ku. Khusbu Padwar D/o Vikas @ Sonu Padwar Aged About 9 Years (Minor), Through Her Natural Guardian Mother Smt. Reena Padwar (applicant No. 1), Resident Of Village Bheski (Korwapara), Post Bariyon, Police Station Rajpur, District Balrampur (C.G.), At Present Resident Of Village Dandkarwan, Police Chowki Revati, Police Station Chandoura, Tahsil Pratappur, District Surajpur (C.G.)

3 - Smt. Durgawati Wife Vikas @ Sonu Padwar Daughter Of Kanhaiya, Occupation Nurse (Firdousi Hospital Ambikapur), Resident Of Village

Badkagaon, Police Station Chalgali, Tahsil Wadraf Nagar, District Balrampur (C.G.), At Present Resident Of Village Bheski (Korwapara), Post Bariyon, Police Station Rajpur, District Balrampur (C.G.),

... Respondent(s)

For respondent(s) : Mr. Anil Gulati, Advocate.

For Respondent(s) : None.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

21/01/2026

1. The respondent has filed this criminal revision against the order dated 23.05.2023 passed by learned Family Court, Surajpur, District – Surajpur (C.G.) in Misc. Criminal Case No.159/2021, 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 towards maintenance.
2. Brief facts necessary for disposal of this revision are that respondent No.1 (wife) filed an application under Section 125 Cr.P.C. stating that her marriage with applicant (husband) was solemnized on 15.05.2010 as per caste customs and that out of the wedlock one daughter, respondent No.2, was born in the year 2012 and is residing with her. The respondents alleged cruelty and neglect on the part of applicant and further alleged that he had contracted a second marriage with one Durgawati. It was claimed that despite Panchayat proceedings and lodging of a

report at Out Post Bariyon, no relief was granted. On the basis of alleged income of applicant, the respondents claimed maintenance. Applicant filed his reply denying the allegations and pleaded that respondent No.1 is residing in an adulterous relationship with one Araglal Gurjar since 2020, which was admitted in Panchayat proceedings, and further denied performing any second marriage. He also pleaded unemployment due to physical disability caused by an accident. After framing issues and appreciating the material on record, the learned Family Court partly allowed the application under Section 125 Cr.P.C. and awarded maintenance of Rs.3,000/- per month in favour of respondent No.1, against which the present revision has been filed.

3. Learned counsel for the applicant submits that the impugned order dated 23.05.2023 (Annexure A-1) passed by the learned Family Court is illegal, improper and unsustainable in the eyes of law and is therefore liable to be set aside. He further submits that the learned Family Court failed to properly appreciate the evidence led by applicant, who categorically deposed that respondent No.1 was living in an adulterous relationship with Araglal Gurjar, which fact was supported by photographic evidence, police report and Panchnama exhibited as Ex.D-1. Despite the said evidence and corroboration by witness Ameer Chand (NAW-2), the learned Family Court erroneously awarded maintenance of Rs.3,000/- per month, which is bad in law. He also

submits that the learned Family Court further failed to consider the medical documents and receipts produced by applicant showing that respondent No.2 (minor daughter) is residing with him and that he is bearing her educational expenses. The applicant craves leave of this Court to raise additional grounds at the time of hearing and prays that any other relief deemed fit and proper be granted in his favour.

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 towards maintenance observing that the marital relationship between the parties stood admitted, that respondent No.1 was living separately due to cruelty and harassment on the part of the respondent and thus had sufficient cause to reside apart, that the allegation of adulterous conduct was not proved by cogent evidence and the Panchanama relied upon by the respondent appeared doubtful, and that although the respondent was engaged in labour work with limited means, being an able-bodied person he could not evade his statutory obligation to maintain his wife, however, since respondent No.2 (minor daughter) was residing with the applicant, the claim for her maintenance was rejected.

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**.
8. 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