



2026:CGHC:3693

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 1026 of 2023**

Gopi Dewangan S/o Derharam Dewangan, Aged About 28 Years R/o Village Semariya, Post Samoda, P.S. And Tehsil Aarang, District Raipur Chhattisgarh.

... Applicant**versus**

1. Smt. Pooja Dewangan W/o Gopi Dewangan, Aged About 23 Years R/o Village And Post Khatti, P.S. Khalaari, District Mahasamund Chhattisgarh.
2. Kumari Chaya Dewangan, D/o Copi Dewangan, Aged About 2 Years (Natural Guardian Smt. Pooja Dwangan W/o Gopi Dewangan) R/o Village And Post Khatti, P.S. Khalaari, District Mahasamund Chhattisgarh.

... Respondents

For Applicant : Mr. Mayank Chandrakar, Advocate.

For Respondents : Ms. Vijay Laxmi Soni, Advocate.

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****21.01.2026**

1. Heard Mr. Mayank Chandrakar, learned counsel, appearing for the applicant. Also heard Ms. Vijay Laxmi Soni, learned counsel, appearing for the respondents.
2. The present revision has been filed by the applicant with the following prayer:

“ It is therefore, prayed that the Hon'ble Court may



kindly be pleased to allow this application and set-aside the order dated 05.07.2023 (Annexure P-1) passed by the Family Court, Mahasamund, looking to the facts and circumstances of the case, in the interest of justice.”

3. Facts of the case are that the applicant and respondent No. 1 solemnized their marriage on 19.02.2018 at Village and Post Khatti, P.S. Khallari, District Mahasamund (C.G.), according to the rites and rituals of Hindu law. After a short period of their wedlock, disputes arose between the applicant and respondent No. 1 regarding her frequent visits to her maternal home, as her mother was residing alone. The applicant took her to her mother's house, and as expressed by respondent No. 1, he left her there for some time. Thereafter, she returned to the matrimonial home, and soon again asked the applicant to accompany her to her maternal home. When they reached there, she insisted that the applicant should live with her and her mother. The applicant, however, was somehow convinced by his mother-in-law that his wife would return soon. However, thereafter, his wife started residing with her mother. Thereafter, the applicant called a meeting of the elders and community members, wherein his wife was also called. Upon being asked by the elders, she outrightly refused to reside in her husband's house. Left with no other option, the applicant was compelled to approach the Court of the Learned Principal Judge, Raipur, and filed an application under Section 9 of the Hindu Marriage Act for restitution of conjugal rights. Vide order dated 22.02.2019, the applicant and respondent No. 1 entered into a compromise, and the Learned Court was pleased to dismiss the application, observing that respondent No. 1 had started residing with the applicant.



4. Soon thereafter, respondent No. 1 again left the house of the applicant and started residing with her mother. It is pertinent to mention here that she did not even bother to inform the applicant about their daughter. It is pertinent to mention here that it is an admitted fact that on 23.07.2018, respondent No. 1 had moved an application under Section 125 Cr.P.C., registered as Criminal Miscellaneous Case No. 51/2018, which was dismissed on account of the compromise arrived at between both the parties. The respondent No. 1 again approached the Learned Principal Judge, Family Court, Mahasamund, by filing an application under Section 125 Cr.P.C., and sought maintenance from her husband on the ground of alleged cruelty by the applicant and his parents.
5. The Learned Family Court, Mahasamund, vide order dated 06.07.2023 (Annexure P-1), after examining the evidence led by the respondent and without properly considering the evidence adduced by the present applicant, allowed the application filed by the respondent under Section 125 Cr.P.C. and was pleased to direct payment of maintenance of Rs. 1,500/- to the wife, Rs. 500/- to the daughter, and a lump-sum amount of Rs. 3,000/- towards the cost of the proceedings.
6. Learned counsel for the applicant submits that the order(s) passed by the Learned Family Court, Mahasamund are contrary to law and are liable to be set aside/quashed in accordance with the principles of natural justice. He submits that the amount awarded by the learned Family Court is against the evidence brought on record. It is pertinent to submit that the Learned Family Court ought to have considered the conduct of respondent No. 1, who is habitual of leaving the house of the applicant. He further submits that all the evidence brought on record by the respondent is either fabricated or unreliable, and despite the same, the Family Court, even after considering the evidence and the cross-



examination of the respondent, allowed the application filed by the respondent. He further submits that the Family Court failed to consider the financial position of the parties. The Family Court ought to have taken into consideration the status of the parties and the capacity of the spouse to pay for the support of the other. Maintenance is dependent upon the factual circumstances of each case, and therefore, the Family Court should the claimed for maintenance on the basis of various factors brought before it. He also submits that it is often seen that both parties submit scanty material, do not disclose correct details, and suppress vital information, which makes it difficult for the Family Courts to make an objective assessment for grant of maintenance. There is also a tendency on the part of the wife to exaggerate her needs. In the present case, the respondent has committed a grave fallacy by doing so. He further submits that the Mahila Cell, Mahasamund (C.G.) conducted counselling between the complainant/wife and the husband, wherein the wife called her husband impotent. If the husband is impotent, then the question arises as to whose daughter respondent No. 2 is. The applicant submits that Respondent No. 2 is not his daughter.

7. On the other hand, learned counsel, appearing for the respondents opposes the prayer made by the learned counsel for the applicant and supports the impugned order passed by the learned Family Court, Mahasamund (C.G.), in M.J.C. No. 139/2022.
8. I have heard learned counsel for the parties and perused the judgment of the learned Family Court.
9. Considering the submission advanced by the learned counsel for the parties, materials available on record and also considering the price index and medical expenses, total amount awarded to the respondents cannot be said to be shockingly high warranting interference by this



2026:CGHC:3693

Court in the present revision petition.

- 10.** Accordingly, the criminal revision being devoid of merit is liable to be and is hereby **dismissed**.

**Sd/-
(Ramesh Sinha)
Chief Justice**

Abhishek