



2026:CGHC:3959

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 1025 of 2023**

Amit Bhardwaj Sharma (Amit Kumar Bhardwaj) S/o Shri Shivdayal Sharma Aged About 34 Years R/o Plot No.186, Road No.5 Behind Nagar Nigam Office, Kalpana Puri Adityapur Jamshedpur P.S. Adityapur, District : Jamshedpur, Jharkhand

... Applicant(s)**versus**

Smt. Deepika Bhardwaj W/o Amit Bhardwaj, D/o Shri Vishnu Joshi R/o Kabir Nagar Raipur District Raipur (C.G.) Permanent Resident Vashishth Bhawan, Near Lal Tunkey, P.O. And P.S. Saraipali, Raigarh District Raigarh (C.G.) Pin- 496001.

... Respondent(s)

For Applicant(s) : Mr. Dinesh Yadav, Advocate.

For Respondent(s) : Ms. Shweta Mishra, Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****22/01/2026**

1. The applicant has filed this criminal revision against the order dated 09.05.2022 passed by learned Principal Judge, Family Court, Raipur, District – Raipur (C.G.) in Criminal M.C.C.

No.327/2021, whereby, the learned Family Court partly allowed the application under Section 125 Cr.P.C. filed by the respondent and directed the applicant to pay Rs.10,000/- per month to respondent towards maintenance.

2. Brief facts necessary for disposal of this revision are that the applicant and respondent met through a matrimonial website (Shaadi.com) and solemnized their marriage on 09.12.2020 at Jamshedpur according to Hindu rites, after which they lived together for hardly 23 days. Soon after marriage, the respondent allegedly behaved cruelly, raised repeated quarrels, demanded transfer of the applicant's movable and immovable properties, and threatened to implicate the applicant and his family in false criminal cases. On 31.12.2020, the respondent along with her family members allegedly assaulted the applicant and his parents, forcibly occupied the matrimonial home, and compelled the applicant's family to concede to their illegal demands, resulting in police intervention. Thereafter, the respondent left the matrimonial home on 02.01.2021 along with gold ornaments, cash, and other valuables. The applicant lodged multiple complaints before the police, but no action was taken. It later came to the applicant's knowledge that the respondent and her family members have criminal antecedents and were declared proclaimed offenders in an earlier case. Meanwhile, the respondent obtained an ex-parte maintenance order dated 09.05.2022 under Section 125 CrPC from the Family Court, Raipur, without proper service of notice

upon the applicant. The applicant asserts that the said ex-parte order was passed in violation of principles of natural justice.

3. Learned counsel for the applicant submits that the impugned ex-parte maintenance order has been passed in gross violation of the principles of natural justice, as the applicant was never afforded a sufficient and effective opportunity of hearing. The Family Court is duty-bound to grant due opportunity to both parties, and absence of such opportunity amounts to denial of justice. Passing an order under Section 125 CrPC without hearing the applicant renders the order arbitrary and unsustainable in the eyes of law. He further submits that the allegations made by the respondent in the maintenance proceedings are improbable, unrealistic, and unsupported by any cogent or substantive evidence. The applicant is innocent and has not committed any wrongdoing as alleged. The claims are false, malicious, and vexatious, based on concealment of true facts, and yet the respondent managed to obtain an illegal ex-parte order without proper judicial scrutiny. He also submits that as held by the Hon'ble Supreme Court in ***Union of India v. W.N. Chadha (AIR 1993 SC 1082)*** and by the Bombay High Court in ***Umakant Bhaskarao Nawarkhele v. Sneha Umakant Nawarkhele (Cr. Rev. Appln. No. 21/2014)***, an ex-parte order under Section 125 CrPC can be passed only after recording satisfaction that the respondent is willfully avoiding service or deliberately remaining absent. In the present case, no such satisfaction has been recorded by the learned Family Court,

which proceeded merely on noting absence, making the impugned order illegal and liable to be set-aside.

4. 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.
5. I have heard learned counsel for the parties, perused the impugned order and other documents appended with criminal revision.
6. 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 respondent and directed the applicant to pay Rs.10,000/- per month to respondent towards maintenance observing that the respondent had proved sufficient and reasonable grounds to live separately due to alleged cruelty and harassment. The Court relied upon the unchallenged affidavits and statements of the respondent and her witness and held that there was no reason to disbelieve their version. It was further observed that although the respondent failed to produce documentary evidence regarding the exact income of the applicant, the marital relationship between the parties and the legal obligation of the husband to maintain his wife stood established. Taking into consideration the overall facts, circumstances, and necessities for maintenance, the Court

concluded that the applicant was capable of paying the said amount and hence granted maintenance as aforementioned, which cannot be said to be on higher side.

7. 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.
8. Accordingly, the revision being devoid of merit is liable to be and is hereby **dismissed**.
9. 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