



2026:CGHC:3690



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 1088 of 2023

Parmanend Dewangan S/o Fakir Dewangan Aged About 64 Years R/o Ahed Sundernagar, Ring Road Chouraha, Prashant S.T.D. Raipura Road, Raipura, Tahsil And District Raipur (C.G.)

... **Applicant**

versus

Reshma D/o Parmanand Dewangan Aged About 45 Years R/o Sadar Bazar, Bramhan Para, Durg, Tahsil And District Durg (C.G.)

... **Respondent**

For Applicant

: Mr. Krishnakant Prajapati, Advocate..

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

21.01.2026

1. Heard Mr. Krishnakant Prajapati, learned counsel, appearing for the applicant.
2. The present revision has been filed by the applicant with the following prayer:

"It is therefore most respectfully prayed that this Hon'ble Court may kindly be pleased to set-aside the impugned order dated 15.06.2023 and order dated 23.10.2021 passed by the learned Third Additional Principal Judge, Family Court, Durg (C.G.) and also quash/ set-aside the execution proceedings pending in



Case No. 259/2023 before the learned Third Additional Principal Judge, Family Court, Durg (C.G.), in the interest of justice.”

3. Brief facts of the case the non-applicant and others, namely Smt. Kanaklata, Prakash, and Ku. Poonam, filed an application under Section 125 of the Cr.P.C. before the learned JMFC, Durg (C.G.), which was registered as Misc. Criminal Case No. 98/1999. Vide order dated 24.04.2002, the learned JMFC, Durg directed the applicant to pay maintenance of Rs. 1,000/- per month each in favour of the respondent and Ku. Poonam Dewangan till her marriage, whereas maintenance was denied in favour of Smt. Kanaklata and Prakash. Against the order dated 24.04.2002, Smt. Kanaklata preferred a revision before the learned Fifth Additional Sessions Judge, Durg, registered as Criminal Revision No. 208/2002, which was dismissed vide order dated 27.03.2003.
4. Being aggrieved by the orders dated 24.04.2002 and 27.03.2003, Smt. Kanaklata filed Misc. Criminal Case No. 1583/2003 before this Hon'ble Court, and vide order dated 01.05.2009, this Hon'ble Court was pleased to remand the matter with a direction to afford an opportunity to the parties to lead evidence and to pass a fresh order.
5. During the pendency of proceedings, the respondent filed an application under Section 127 of the Cr.P.C. for enhancement of maintenance, which was decided on the basis of a compromise between the applicant and the respondent, whereby the applicant agreed to pay maintenance of Rs. 1,800/- per month to the respondent. Accordingly, the application under Section 127 of the Cr.P.C. was decided vide order dated 23.02.2007.
6. After remand, the learned First Additional Principal Judge, Family Court, Durg initiated fresh proceedings and, after recording evidence, vide



order dated 30.11.2009, rejected the application under Section 125 of the Cr.P.C. filed by Smt. Kanaklata, Ku. Reshma, Prakash, and Ku. Poonam.

7. While dismissing the application under Section 125 of the Cr.P.C., the earlier maintenance orders granting Rs. 1,000/- per month each in favour of the respondent and Ku. Poonam stood merged, and consequently, they ceased to be entitled to any maintenance from the applicant.
8. The order dated 30.11.2009 was never challenged by the respondent and has thus attained finality. Despite this, the respondent filed a vague application under Section 127 of the Cr.P.C. before the learned Family Court for enhancement of maintenance pursuant to the earlier order dated 23.02.2007 and, taking undue advantage of the advanced age of the applicant, obtained a compromise enhancing the maintenance to Rs. 3,000/- per month, even though the respondent was not entitled to any maintenance after the order dated 30.11.2009, as the order dated 23.02.2007 had already merged into the said order. Hence, without considering the aforesaid facts, vide impugned order dated 23.10.2021, the learned Family Court erroneously awarded maintenance of Rs. 3,000/- per month in favour of the respondent.
9. Learned counsel for the applicant submits that the impugned order dated 15.06.2023 is bad in law, perverse, arbitrary, and erroneous, and is therefore liable to be set aside. Learned Family Court failed to appreciate that the respondent is not entitled to any maintenance, as the earlier orders dated 24.04.2002 and 23.02.2007 stood merged into the final order dated 30.11.2009. He also submits that learned Family Court failed to appreciate that the respondent ceased to be entitled to maintenance, as the earlier maintenance orders dated 24.04.2002 and 23.02.2007 were effectively set aside by the learned Family Court vide



order dated 30.11.2009. He further submits that learned Family Court failed to consider that the order dated 30.11.2009 passed by the learned Family Court has not been challenged by the respondent till date and has thus attained finality. Learned Family Court failed to appreciate that the applicant is about 70 years of age, is infirm, has no source of income, and is suffering from various old-age ailments, and is therefore incapable of paying maintenance to the respondent.

10. I have heard learned counsel for the applicant and perused the judgment of the learned Family Court.
11. Considering the submission advanced by the learned counsel for the applicant, materials available on record and also considering the price index and medical expenses, total amount awarded to the respondent cannot be said to be shockingly on higher side warranting interference by this Court in the present revision petition.
12. Accordingly, the criminal revision being devoid of merit is liable to be and is hereby **dismissed**.

Sd/-
(Ramesh Sinha)
Chief Justice

Abhishek