



2026:CGHC:4220



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 1224 of 2023

Khaira Ram S/o Late Chainsai Aged About 60 Years Caste Rohidas, R/o Village Jawali, Tahsil Katghora, District- Korba, Chhattisgarh.

... Applicant

versus

Smt. Kunti Bai W/o Khaira Ram Aged About 55 Years Caste Rohidas, R/o Village Jawali, Tahsil Katghora, District- Korba, Chhattisgarh.

... Respondent

For Applicant : Mr. Virendra Kumar Janardan, Advocate.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

23.01.2026

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

"It is therefore, that this Hon'ble Court may kindly be pleased to allowed criminal revision and set-aside the impugned order dated 27.09.2023 passed by the learned Family Court Camp Court, Katghora, District Korba Chhattisgarh, in Criminal M.J.C. No. 57/2022 or may be reduced granting maintenance amount of Rs.



02,000/-, in the interest of justice.”

3. Brief facts of the case the respondent filed an application under Section 125 of the Cr.P.C. seeking maintenance of Rs. 10,000/-. It is stated that the applicant solemnized marriage with the respondent about 35 years ago according to Hindu rites and rituals. Out of their wedlock, one son namely Chaitram was born, who is about 40 years of age. It is further alleged that the applicant kept Basanti Bai as his second wife about 20 years ago, and out of that wedlock, seven children were born. It is also alleged that after some time of marriage, the applicant started consuming liquor, used filthy language against the respondent, and also committed marpeet (assault) upon her. Due to the said conduct, the respondent is residing with her son Chaitram. It is further stated that the respondent is unable to maintain herself, whereas the applicant is having agricultural land and earns about Rs. 4,00,000/- per annum from cultivation. It is also alleged that the applicant is working as a Rajmistri (mason) and earns about Rs. 20,000/- per month. Therefore, the respondent sought maintenance of Rs. 10,000/- per month from the applicant under Section 125 of the Cr.P.C.
4. After issuance of notice to the applicant, the applicant filed his reply and denied all the averments made in the application.
5. Learned Family Court, after framing the issues, passed the order dated 27.09.2023, whereby the application filed by the respondent was allowed and the applicant was directed to pay maintenance of Rs. 2,000/- per month to the respondent.
6. Learned counsel for the applicant submits that the impugned order passed by the learned Family Court is arbitrary, illegal, and contrary to the evidence and documents submitted by the applicant. It is pertinent to



mention that the respondent has made false allegations against the applicant. After a lapse of about 20 years of marriage, the respondent used to quarrel with the applicant and his family members without any sufficient reason. She did not like to live with the applicant in the joint family and continuously pressured him to live separately. Therefore, she is not entitled to any maintenance, and the impugned maintenance order is liable to be quashed. He also submits that the applicant had given agricultural land admeasuring 1.21 hectares, situated at Village Chakabuda, to the respondent for her livelihood about 20 years ago. Hence, she has no right to claim maintenance from the applicant. It is pertinent to mention that the respondent is working as a labourer and earns about Rs. 200/- per day, and is able to maintain herself. On the contrary, the applicant is an old person aged about 60 years, unable to work, and is solely dependent upon his government pension for his livelihood. Therefore, he is not in a position to pay any maintenance amount. He also submits that the respondent, on her own volition, left the house of the applicant without any sufficient reason, therefore, she is not entitled to the benefit of maintenance under Section 125 of the Cr.P.C. The respondent has failed to prove the income of the applicant. Moreover, the aged parents of the applicant are totally dependent upon him. Hence, the applicant is unable to pay any maintenance amount to the respondent, and the impugned maintenance order is liable to be set aside/quashed. The respondent left her matrimonial home without any sufficient cause and has made no effort to return and reside with the applicant. He also submits that the maintenance amount of Rs. 2,000/- per month is on the higher side and is liable to be set aside.

7. I have heard learned counsel for the applicant and perused the judgment of the learned Family Court.



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

Sd/-
(Ramesh Sinha)
Chief Justice

Abhishek