



2026:CGHC:16726



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NAFR

## **HIGH COURT OF CHHATTISGARH AT BILASPUR**

### **CRR No. 1202 of 2024**

1. Mrs. Keshar W/o Radhesh Yadav, Aged About 33 Years Residing At Ramnagar Rajashwa Colony (Behind Walia Complex), Post S.E.C.L. Complex, District-Bilaspur (C.G.) 495006.
2. Mas. Taksha Yadav Aged 3 Years, Through Natural Guardian Mother Smt. Keshar Yadav, Residing At Ramnagar Rajashwa Colony (Behind Walia Complex), Post S.E.C.L. Complex, District-Bilaspur (C.G.) 495006.

**... Applicants**

**versus**

Shri Radesh Yadav S/o Krishankant @ Laxman Ray, Aged About 33 Years R/o House No. 91 G, Defence Colony, Pardeshi Mohalla, Bhatagaon,p.S. Jhansi, District-Jhansi, U.P.

**... Respondent**

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| For Applicants | : Mr. Arun Kumar Roy, Advocate. (through video-conferencing). |
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**Hon'ble Mr. Ramesh Sinha, Chief Justice**

### **Order on Board**

**10.04.2026**

1. The applicant/revisionist has filed this criminal revision against the impugned order dated 09.09.2024 passed by the learned Principal Judge, Family Court, Bilaspur (C.G.) in Misc. Criminal Case No.727/2023, whereby the interim maintenance application under Section 125 of Cr.P.C. filed by the revisionist No. 1/wife has been partly allowed and directed the respondent/husband to pay Rs.7,000/- per month as interim maintenance to his wife/revisionist No.1/ and Rs. 3,000/- per month to revisionist No.2/son.



2. The case of the prosecution, in brief, is that the marriage between the revisionist No.1 and the respondent was solemnized on 07.07.2019 at Jhansi, Uttar Pradesh, in accordance with Hindu Vedic rites and rituals, as an arranged marriage. The revisionist further states that, at the time of marriage, it was disclosed that the respondent was working in a private company in Delhi, earning a salary of Rs. 1.5 lakh per month, and accordingly, the marriage was solemnized. The revisionist states that after marriage, she cohabited with the respondent at her matrimonial home in Jhansi and later in Delhi for a few months, where the respondent was working as an executive in a Chartered Accountant firm, earning a salary of Rs. 2,00,000/- per month, and was also running his own Chartered Accountant firm in the name and style of "R.K. Yadav & Associates" for additional income. They were living peacefully in a rented 2 BHK house, paying a rent of Rs. 30,000/- per month. The revisionist further states that during her pregnancy, the respondent sent her to her parental home at Bilaspur, Chhattisgarh, on 17.01.2021, and thereafter, on 22.07.2021, she delivered a son through a major operation at Apollo Hospital, Bilaspur. The revisionist states that, despite numerous requests, only the respondent came to see the newborn son, who is suffering from a chronic illness and requires treatment at Delhi and Chennai. Thereafter, the respondent avoided taking the sick newborn to AIIMS, New Delhi, and Christian Medical College, Vellore, Tamil Nadu, for regular treatment from expert doctors. The expenditure for one such visit is more than Rs. 60,000/-, which has been borne by the revisionist's retired father till date. The respondent has failed to provide due care to the revisionist and her sick son, with the sole motive of harassing her for dowry demands. The revisionist states that when the marriage of her younger sister was fixed for 28.11.2021, her parents requested the respondent and his family



members to attend and bless the occasion, but they did not turn up, with mala fide intention, and thereafter completely deserted the revisionist and her sick son. However, the revisionist's parents are simple and law-abiding citizens, who believe that marriage is a sacred bond which should not be broken on petty and frivolous allegations. Therefore, they did not permit the revisionist to lodge any complaint regarding assault, harassment, or dowry demands against the respondent, leaving everything to the will of the Almighty in the hope that the respondent would realize his responsibilities as a husband and father.

3. The revisionist states that despite repeated efforts by her father to resolve the issues and requests made to the respondent to take her back to the matrimonial home and provide proper care for their sick son, the respondent continued to give false assurances. Thereafter, in the months of October/November 2022, a notice for divorce was received from the Family Court, Gautam Budh Nagar, Uttar Pradesh, without any prior knowledge of the petition. It was subsequently revealed that the Respondent and his family members had fabricated a story to abandon the revisionist and her sick son at her parental home without providing any financial support since November 2021. The revisionist states that when the respondent failed to mend his ways and neglected to provide due care and attention to her and their sick son, and continued to press for dowry, she approached Police Station Sarkanda to lodge a complaint against the respondent. The authorities called the Respondent for mediation/counseling; however, he did not cooperate and stated before the Mahila Thana that he refused to take the revisionist back to the matrimonial home and would pay maintenance only if directed by the Court.
4. Accordingly, the revisionist approached the Family Court at Bilaspur and



filed MJP No. 727 of 2023 along with an interim application, praying that the respondent be directed to pay Rs. 1,00,000/- per month to her and her sick son as interim maintenance. The respondent filed a statement of solemn affirmation stating his income to be approximately Rs. 3.5 lakh per annum, while claiming his personal expenses to be Rs. 45,000/- per month and expenses on his parents to be Rs. 20,000/- per month, totaling Rs. 65,000/- per month. He has further stated that he is paying an EMI of Rs. 88,000/- per month towards a loan liability of Rs. 85 lakh (allegedly in support of his brother and father), without producing any bank statements showing deduction of the said EMI or any relevant documents in support of his income and liabilities before the learned Principal Trial Court. The revisionist states that her counsel argued an application under Section 91 of the Cr.P.C. dated 09.09.2024, seeking production of documents to ascertain the actual income of the Respondent. However, the learned Principal Trial Court, without passing any order under Section 91 of the Cr.P.C., directed the revisionist to file an affidavit of assets and liabilities. Thereafter, the revisionist filed her affidavit stating her monthly expenses to be Rs. 80,000/- for herself and Rs. 50,000/- for her chronically ill son, including medical expenses incurred for treatment from Bilaspur to Chennai. The learned Principal Judge of the Family Court, vide order dated 09.09.2024, awarded interim maintenance of Rs. 7,000/- per month to the revisionist and Rs. 3,000/- per month to her chronically ill son, totaling Rs. 10,000/- per month from the date of the order, without proper application of mind. Whereas, the evidence on record, including medical liabilities, shows expenses exceeding Rs. 5,00,000/- at the time of filing of the application, which have been borne by her parents and relatives till date. The revisionist states that she was sent to her parental home on 18.01.2021 under the pretext of delivery, with a mala fide



intention and as part of a conspiracy to fulfill dowry demands, and since then she has been residing with her parents and is entirely dependent upon them. The maintenance awarded, i.e., Rs. 7,000/- per month to the revisionist and Rs. 3,000/- per month to her chronically ill son, is grossly inadequate for their sustenance. The respondent, however, is working and running a Chartered Accountant firm at Jhansi, Delhi, and Noida, and is earning more than Rs. 3,50,000/- per month. However, the learned Principal Judge failed to consider that the Respondent is deliberately concealing his actual income and has not produced the necessary documents as sought by the revisionist. It is submitted that the revisionist has claimed maintenance @ Rs. 1,00,000/- per month for herself and her sick son, including necessary medical expenses. The revisionist, therefore approaches this Hon'ble Court to modify the impugned award/order dated 09.09.2024.

5. Learned counsel for the applicant submits the learned Trial Court failed to follow the settled principles while fixing the quantum of maintenance and did not properly consider the facts and evidence on record. The learned Trial Court failed to consider the object and intent of Section 125 Cr.P.C., which is to provide social justice by ensuring reasonable maintenance, as settled by the Hon'ble Apex Court. The learned Trial Court failed to consider the financial capacity of the respondent, who, as per his own affidavit, incurs expenses of Rs. 65,000/- per month on himself and his parents, apart from paying EMI of Rs. 88,000/- per month. The learned Trial Court failed to ascertain the actual income, reasonable personal expenses, and liabilities of the respondent, and did not direct production of relevant documents as prayed for by the revisionist under Section 91 Cr.P.C. The learned Trial Court failed to determine an appropriate quantum of maintenance for the revisionist and her chronically ill son,



despite evidence of medical expenses exceeding Rs. 5,00,000/- on record. The learned Trial Court failed to consider the standard of living of the respondent, prevailing inflation, cost of living, and the medical expenses of the minor child, as per settled law laid down by the Hon'ble Apex Court. The learned Trial Court failed to consider that the living expenses of the minor child include food, clothing, residence, education, and medical treatment, as per prevailing circumstances. The learned Trial Court failed to consider the affidavit of the Revisionist stating that she has no independent income and is unable to maintain herself in accordance with the standard of living enjoyed in her matrimonial home. The learned Trial Court failed to appreciate that maintenance ought to be granted from the date of application to protect the deserted wife and minor sick child from destitution and vagrancy. The revisionist has a bona fide apprehension that the respondent may transfer or alienate his movable and immovable properties, including assets/shares located at Hajipur (Bihar), Jhansi, and Noida (U.P.), in the names of his parents, brothers, or relatives, to conceal his actual income from the Court. The present petition has been filed within limitation, as the certified copy of the impugned order along with necessary documents was received on 19.09.2024. In view of the facts and circumstances stated above, the impugned order dated 09.09.2024 passed by the learned Principal Judge, Family Court, is bad in law, having been passed without proper appreciation of facts and evidence on record. It is therefore prayed that the said order be modified and the quantum of maintenance be suitably enhanced.

6. I have heard learned counsel for the applicant, perused the judgment of the trial Court and records of the trial Court.
7. Considering the submissions advanced by the learned counsel for the



applicant, and from the perusal of the impugned order passed by the learned Family Court, it transpires that after hearing all the statements of the witnesses and perusing the evidence available on record, and considering the conditions of the both the parties, the learned Family Court has passed the impugned order, and there is no any illegality and infirmity while passing the same which requires interference by this Court.

8. Accordingly, the prayer made to quash the impugned order is refused.
9. However, the present revision is **disposed of** with the direction that the concerned Family Court is at liberty to conclude the proceedings under Section 125 of CrPC, preferably within a period of **three months** from today, if there is no any legal impediment.

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