



2026:CGHC:3903



2026:CGHC:3903

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 1351 of 2023

1 - Urmila Rajput W/o Ramraj Rajput Aged About 23 Years Presently Residing At - Chandrapur, P.S. - And Tehsil - Lormi, District – Mungeli

2 - Hardik Singh S/o Ramraj Singh Aged About 2 Years 04 Months Being Minor He Is Represented By His Mother Urmila Rajput, W/o Ramraj Rajput, Aged About 23 Years, Presently Residing At - Chandrapur, P.S. And Tehsil - Lormi, District - Mungeli,

... Applicant(s)

versus

Ramraj Singh S/o Jhaduram Rajput Aged About 28 Years R/o Village Sardha, P.S. - Lormi, District - Mungeli, Chhattisgarh. Presently Posted At Patthar Phod, Block - Podi, District - Korba, Chhattisgarh. Shiksha Karmi.

... Respondent(s)

For Applicant(s) : Mr. Pallav Mishra, Advocate.

For Respondent(s) : Mr. Rohan Sharma, 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 02.08.2023 passed by learned Judge, Family Court, Mungeli (C.G.) in Misc. Criminal Case No.305/2023, whereby the learned Family



Court has partly allowed the application under Section 125 CrPC filed by the applicants and directed the respondent to pay Rs.4,000/- per month to applicant No.2 towards maintenance.

2. Brief facts necessary for disposal of this revision are that the appellant is the legally wedded wife of the respondent, their marriage having been solemnized about three years ago according to Hindu customs and traditions, out of which a child, namely Hardik Rajput (Appellant No.2), was born. Soon after the marriage, the respondent's behaviour changed and it was alleged that he developed an illicit relationship with another woman. Upon objection by the appellant, she was subjected to cruelty, assaulted, and forcibly driven out of the matrimonial home while she was pregnant, compelling her to reside at her parental house. It is further alleged that after delivery, the appellant stayed with the respondent for a short period but was again subjected to cruelty and dowry demands of Rs.2,50,000/-. She was allegedly burnt with a hot rod by the respondent, leading to registration of an FIR. Owing to the respondent's conduct and her inability to maintain herself, the appellant sought maintenance of Rs.10,000/- per month, asserting that the respondent was working as a Shiksha Karmi earning about Rs.20,000/- per month and also having income from agricultural land. The respondent denied the allegations and specifically refuted his income and ownership of agricultural land. However, despite material on record regarding the respondent's means, the learned trial court dismissed the maintenance claim of appellant No.1 (wife)



and awarded only Rs.4,000/- per month to appellant No.2 (minor child). Aggrieved by the said order, present revision has been filed.

3. Learned counsel for the applicant submits that the impugned order is erroneous and contrary to law inasmuch as the learned Court below failed to appreciate that the respondent had married another woman, as a result of which the appellant was subjected to cruelty and forcibly driven out of the matrimonial home. The learned Court wrongly concluded that the appellant left the matrimonial house without sufficient cause, whereas the evidence on record clearly shows that the appellant was left with no option but to live separately due to the respondent's conduct, which also endangered her life. He further submits that the learned Court further erred in awarding a meagre amount of Rs.4,000/- per month only to Appellant No.2 (minor child) and in dismissing the maintenance claim of Appellant No.1 (wife). It ignored the fact that the respondent is earning substantial income from government service and agricultural lands, which was duly proved and even admitted by the respondent. Despite there being settled law laid down by the Hon'ble Supreme Court and this Hon'ble Court that a husband is bound to maintain his wife irrespective of the reasons for her living separately, the learned Court failed to apply the correct legal principles. He also submits that the learned Family Court did not properly consider the evidence led by the appellant, including the deposition of her father, which remained unrebutted by the respondent, and the serious allegation of the appellant being burnt with a hot iron by the respondent. The interim maintenance of Rs.4,000/- awarded to Appellant No.2 was



mechanically made final without independent consideration of the evidence and circumstances. Hence, the impugned order suffers from non-application of judicial mind and is liable to be set aside or suitably modified.

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 has partly allowed the application under Section 125 CrPC filed by the applicants and directed the respondent to pay Rs.4,000/- per month to applicant No.2 towards maintenance observing that the applicant No.1 (wife) failed to establish sufficient and reasonable cause for living separately from the respondent. The learned Family Court held that the allegations of illicit relationship, demand of money and physical cruelty were not proved by cogent and independent evidence, except the oral testimony of the applicant and her father, and therefore the applicant No.1 was not entitled to maintenance. It was further observed that although the respondent had made efforts to take the applicant No.1 back to the matrimonial home, including through social elders and pursuant to court directions for restitution of conjugal rights, the applicant No.1 expressed unwillingness to reside with the respondent on the ground



of apprehended danger to her life, which was not substantiated by reliable evidence. Hence, the Court concluded that the applicant No.1 was residing separately without justifiable cause. However, considering that applicant No.2 is a minor child of about two years of age and is residing with the mother, and that the respondent is employed as a Shiksha Karmi earning a regular salary along with having agricultural land, the learned Family Court held the respondent liable to maintain the minor child and accordingly awarded maintenance as aforementioned, which cannot be said to be on lower 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**.

Sd/-

(Ramesh Sinha)
Chief Justice