



2026:CGHC:4216

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 21 of 2024**

Vinita Minj W/o Shri Xavier Ekka Aged About 36 Years Occupation - House Wife, R/o Village - Gamhar Kona, Police Station - Sanna, Civil And Revenue District - Jashpur, Chhattisgarh. At Present R/o Village - Bhagootola, Police Station And Tahsil - Kawardha, Civil And Revenue District - Kabirdham, Chhattisgarh.

... Applicant**versus**

Shri Xavier Ekka S/o Shri Anjulas Ekka Aged About 38 Years Occupation - Government Servent, Panchayat Teacher, P.T.I, Government High School Indore, R/o Village - Suijor, Post - Lathbora, Police Station - Tapkara, Civil And Revenue District - Jashpur, Chhattisgarh. At Present R/o Ghotiya Marg Kawardha, Police Station And Tahsil Kawardha, Civil And Revenue District - Kabirdham, Chhattisgarh.

... Respondent

For Applicant : Mr. Paras Mani Shriwas, Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****23.01.2026**

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

"It is therefore, prayed that this Hon'ble Court may

kindly be pleased to allow this Criminal Revision and Quash/Set-side/Modify the order dated 26.08.2023 passed by family Court Kabirdham in M.J.C. No. 143/2022 and also enhance the maintenance amount, in the interest of justice.”

3. Facts of the case are that the applicant is the legally wedded wife of the respondent. Their marriage was solemnized as per Hindu rites and customs. After solemnization of the marriage, the applicant went to the respondent's house and they started residing together as husband and wife. After living peacefully for some time, the respondent and his family members started torturing the applicant. Thereafter, the respondent left the applicant at her parental house and did not come to take her back. Since then, the applicant has been permanently residing at her parental house. When the respondent did not take the applicant back, she filed an application under Section 125 of the Code of Criminal Procedure before the learned Family Court.
4. After hearing both the parties, the learned Court Family partly allowed the applicant's application and directed the respondent to pay a sum of Rs. 4,000/- per month as maintenance.
5. Thereafter, in the year 2021, the applicant filed an application under Section 127 of the Code of Criminal Procedure before the Family Court, Kabirdham, seeking enhancement of the maintenance amount. The learned Family Court enhanced the maintenance amount to Rs. 7,500/- per month.
6. After more than 12 years, the applicant again filed an application under Section 127 of the Code of Criminal Procedure before the Family Court,

Kabirdham, seeking further enhancement of the maintenance amount on the ground that the cost of living and prices of essential articles have increased, and she is unable to maintain herself as she has no source of income. However, after hearing both the parties, the learned Family Court partly allowed the applicant's application vide order dated 26.08.2023 and directed the respondent to pay Rs. 8,500/- per month to the applicant.

7. Learned counsel for the applicant submits that the impugned judgment/order passed by the Family Court, Kabirdham, District Kabirdham (C.G.), is bad, illegal, and against the settled principles of law. Therefore, the order passed by the learned Family Court is liable to be modified and the amount of maintenance is liable to be enhanced. He also submits that learned Family Court has passed the impugned order without properly appreciating the facts and circumstances of the case, and has passed an erroneous order by enhancing the maintenance amount only by a sum of Rs. 1,000/- per month. Therefore, the order passed by the learned Family Court is liable to be modified and the amount of maintenance is liable to be enhanced. After spending a few days peacefully in their married life, the respondent and his family members continuously tortured the applicant and left her at her parental house. Thereafter, the respondent did not come to take her back. However, the learned Family Court failed to consider the true facts and circumstances of the case and enhanced only a nominal amount towards maintenance. Therefore, the order passed by the learned Family Court is liable to be modified and the amount of maintenance is liable to be enhanced. He further submits that in the year 2021, the applicant filed an application under Section 127 of the Code of Criminal Procedure before the Family Court, Kawardha, seeking enhancement of the maintenance

amount, which was partly allowed and the respondent was directed to pay Rs. 7,500/- per month to the applicant. Thereafter, in the year 2022, the applicant again filed an application under Section 127 of the Code of Criminal Procedure before the Family Court, Kawardha (Kabirdham), seeking further enhancement of the maintenance amount on the ground that the cost of living and prices of essential articles have increased, and she is unable to maintain herself as she has no source of income. However, the learned Family Court partly allowed the applicant's and passed the impugned order without properly considering the facts and circumstances of the case, and enhanced only a nominal amount as maintenance. Therefore, the order passed by the learned Court below is liable to be modified and the amount of maintenance is liable to be enhanced.

8. I have heard learned counsel for the applicant, perused the pleadings and documents appended thereto.
9. From a perusal of the impugned order, it transpires that the learned Family Court, after considering all the documents and evidence adduced by the parties, and partly allowed the application under Section 127 of the Cr.P.C. for enhancement of maintenance and enhanced maintenance from Rs. 7,500/- to Rs. 8,500/- The Court arrived at this conclusion after considering the income, social and economic status of both the parties and the current price index, and the amount awarded cannot be said to be on the lower side.
10. Considering the submission advanced by the learned counsel for the applicant and perusing the impugned order and the finding recorded by the learned Family Court, I am of the view that the learned Family Court has not committed any illegality or infirmity or jurisdictional error in the

impugned order warranting interference by this Court.

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

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

Abhishek