



2025:CGHC:49396

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 1203 of 2025**

Tejlal Yadav S/o Mangalram Yadav, Aged About 37 Years R/o. Village Amliguda House No. 47 Village Bakel, Post Farsguda P.S. And Tehsil Bhanpuri District Bastar (C.G.)

... Applicant**versus**

Smt. Rekha Yadav W/o. Tejlal Yadav Aged About 36 Years R/o Village Bakel Khaspara Post- Farsaguda, P.S. And Tehsil Bhanpuri District Bastar (C.G.)

... Respondent

For Applicant : Mr. Pravin Kumar Tulsyan, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****26.09.2025**

1. This criminal revision has been filed by the applicant with the following prayer:

"It is therefore, prayed that the Hon'ble Court may be pleased to set aside the impugned order dated 07.08.2025 (Annexure A-1), passed by Judge Family Court Jagdalpur District Bastar (C.G.), in M.J.C. No.43/2024, in the interest of justice."

2. The facts, in brief, are that the respondent filed an application under Section 125 Cr.P.C. before the Family Court seeking maintenance,

along with an application for interim maintenance, alleging that she is the legally wedded wife of the applicant and that he deserted her, subjected her to cruelty, and failed to provide for her basic needs. Upon service of notice, the applicant appeared and contested the claim, asserting that the respondent herself voluntarily left the matrimonial home and has been living separately for the last five years without any reasonable cause. It was further contended that the respondent frequently quarreled with the applicant's parents, pressuring him to live separately from them, and even threatened to falsely implicate him in criminal cases. He also submitted that there had been no cohabitation between the parties for the past five years, thereby depriving him of marital companionship. After considering the evidence and hearing both parties, the learned Family Court, vide order dated 07.08.2025, partly allowed the application and directed the applicant to pay Rs.10,000/- per month to the respondent as maintenance. Aggrieved by the said order, the applicant has filed the present revision petition.

3. Learned counsel appearing for the applicant submits that the impugned order dated 07.08.2025 is bad in law, arbitrary, and liable to be set aside as it is not a well-reasoned or speaking order. It is contended that the learned Family Court has passed the order solely on the pleadings of the respondent while completely ignoring the evidence and submissions of the applicant. It is further submitted that the respondent herself voluntarily left the matrimonial home without any sufficient or justifiable reason and has been residing separately for the last five years, thereby disentitling her to

claim maintenance under Section 125 Cr.P.C. He further argues that the respondent, by her own conduct, created an atmosphere of cruelty by frequently quarreling, pressuring the applicant to live separately from his aged parents, and threatening to implicate him in false criminal cases, which clearly demonstrates her refusal to fulfill her marital obligations. It is also submitted that the learned Family Court failed to properly assess or determine the actual income of the applicant before awarding maintenance, resulting in an excessive and disproportionate quantum of Rs.10,000/- per month. Hence, the impugned order suffers from serious legal and factual infirmities and deserves to be quashed.

4. I have heard learned counsel for the applicant, perused the pleadings and documents appended thereto.
5. From the perusal of the impugned order, it transpires that the learned Family Court, after carefully considering the pleadings, evidence, and arguments advanced by both parties, rightly concluded that the respondent, being the legally wedded wife of the applicant, is entitled to maintenance as the applicant failed to discharge his statutory obligation to maintain her. The Court observed that mere allegations by the applicant that the respondent voluntarily left the matrimonial home or created disturbances were not substantiated by credible evidence. It was further held that the responsibility to maintain the wife lies primarily on the husband unless it is clearly established that she is living separately without justifiable cause, which was not proved in this case. Considering the social status of the parties, cost of living, and the financial capacity

of the applicant, the learned Family Court appropriately fixed the maintenance amount at Rs.10,000/- per month. Hence, the impugned order dated 07.08.2025 is just, proper, and passed in accordance with law.

6. 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 Family Court has not committed any illegality or infirmity or jurisdictional error in the impugned order warranting interference by this Court.
7. Accordingly, the criminal revision, being devoid of merit, is liable to be and is hereby **dismissed**.
8. Let a copy of this order be transmitted to the trial Court concerned forthwith for necessary information and compliance.

Sd/-
(Ramesh Sinha)
Chief Justice

Rahul Dewangan