



CGHC010200952025

2026:CGHC:37186

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR
CRR No.649 of 2025

Jay Prakash Kenwat S/o Shri Ramshankar Kenwat Aged About 42 Years R/o Budhwari Bazar, Behind Vegetable Mandi, Budhwari, Korba, Police Chowki - C.S.E.B. Korba, Tahsil And District - Korba (C.G.)

... Applicant

versus

1 - Smt. Khik Bai W/o Jay Prakash Kenwat Aged About 35 Years R/o Amraiypara Kanki (Grandmothers House), Tahsil - Barpali, District - Korba (C.G.)

2 - Anshu Kenwat S/o Jay Prakash Kenwat, Aged About 4 Years 6 Month, Minor Represented Through Legal Guardian And Mother Smt. Khik Bai (Respondent No.1), R/o Amraiypara Kanki (Grandmothers House), Tahsil - Barpali, District - Korba (C.G.)

---- Respondents

For Applicant	:	Mr. Pushpendra Kumar Patel, Advocate.
For Respondents	:	Mr. Mirza Kaisher Beg, Advocate.

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

19.08.2026

1. Mr. Pushpendra Kumar Patel, learned counsel for the applicant, and Mr. Mirza Kaisher Beg, learned counsel for the respondents, is present.
2. Heard on IA No.02/2025, which is an application for condonation of delay for filing the present revision.
3. On due consideration, IA No.02/2025 is **allowed**, and the delay is **condoned**.
4. This Criminal Revision is being aggrieved of the order dated 06.01.2025 passed by the learned Family Court, Korba, District – Korba (C.G.) in Criminal MJC No.163/2021, whereby the learned

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Family Court, allowed the application under Section 125 of CrPC filed by the respondents, and ordered the applicant that he has to pay the allowance for maintenance at the rate of total Rs. 5,000/- per month to the respondents.

5. The facts, in brief, is that the respondents filed an application under Section 125 of Cr.P.C. for grant of maintenance, before the learned Family Court, stating therein that the applicant and respondent No.1 are husband and wife and their marriage was performed in the year 2006 and out of their wedlock, three children namely Dhanendra Kewat, Riddhi Kenwat and Anshu Kenwat have been born. After sometime of marriage, the applicant used to beat the respondent No.1 and ultimately he ousted the respondent No.1 from his house, therefore the respondent No.1 is living in her parental house along with her children Anshu Kenwat. The respondents have no source of income, whereas the applicant is doing mason work, despite this, he is not giving single penny to the respondents towards their maintenance, therefore they filed application for maintenance.
6. The applicant herein has filed the reply to the said application and has denied the averments raised by the respondents. The learned Family Court after perusal of the documents passed the impugned order, and has allowed the application under Section 125 of CrPC filed by the respondent for grant of maintenance and directed the applicant to pay the maintenance to the tune of total Rs. 5,000/- per month to the respondents. Hence, this revision.
7. Learned counsel appearing for the applicant submits that impugned

order passed by the learned Family Court, is contrary to the facts and evidence available on record. It is further submitted that the respondent has left the house of the applicant without any sufficient reason and with her own free will, thus, as per the provision contained under Section 125(4) of CrPC, she is not entitled to be granted maintenance. Therefore, the impugned order is bad in law, perverse and erroneous, and the same it is liable to be set-aside/quashed.

- 8.** On the other hand, learned counsel for the respondent opposes the submissions advanced by the learned counsel for the applicant and supports the impugned order dated 06.01.2025 passed by the learned Family Court, Korba, District – Korba (C.G.) in Criminal MJC No.163/2021, whereby the learned Family Court, allowed the application under Section 125 of CrPC filed by the respondents, and ordered the applicant that he has to pay the allowance for maintenance at the rate of total Rs. 5,000/- per month to the respondents, and he further submits that there is no illegality and infirmity while passing the same.
- 9.** I have heard learned counsel for the parties, perused the pleadings and documents appended thereto.
- 10.** Considering the submissions advanced by the learned counsel for the parties, and from the perusal of the impugned order passed by the learned Family Court, it transpires that no any good ground has been raised by the applicant's side, and after hearing all the statements of the witnesses and perusing the evidence available on record, 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.

- 11.** Accordingly, the criminal revision being devoid of merit is liable to be and is hereby **rejected**.
- 12.** Let a certified copy of this order and original records be transmitted to the concerned trial Court for necessary compliance and follow up action, if any.

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

Rajshekhar