



CGHC010233002026



2026:CGHC:27689

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 828 of 2026**

Chandrashekhar Mahilange S/o Jethu Mahilange Aged About 55 Years
R/o H. No. G/ 117, Resali Sector Bhilai P.S. Bhilai Nagar, Tahsil And
District- Durg (C.G.) Village Sirsakala, P.S. Purani Bhilai Tehsil Bhilai- 3-
District- Durg (C.G.) Office Address Professional Personal No. 400353
P.S. Bhilai Bhatti, Sector- 3 Tehsil And District- Durg (C.G.)

... Applicant**versus**

Smt. Saroj W/o Chandrashekhar Mahilange Aged About 45 Years R/o
Vishwa Bank Colony, Bhilai - 3 P.S. Purani Bhilai Tahsil Bhilai - 3 District-
Durg (C.G.) C/o Rajendra @ Munna Jangade Behind Jain International
School, Sakari Hansha Life City Bilaspur, Tehsil And District- Bilaspur
(C.G.)

... Respondent

For Applicants : Mr. C.R. Sahu, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****06.07.2026**

1. The default pointed out by the Registry of this Court is waived off.
2. This criminal 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 revision*

RAHUL
DEWANGAN

Digitally
signed by
RAHUL
DEWANGAN

and be pleased to set aside the order dated 25/02/2026 in the case no. 1376/2025 Annexure-A/1, passed by 1st Additional Principal Judge Family Court Durg, District-Durg (C.G.) and opportunity of evidence may be granted in the interest of justice.”

3. The facts of the case, in brief, are that the respondent/wife filed an application under Section 144(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 before the learned Family Court, Durg, seeking recovery of consolidated arrears of maintenance amounting to Rs. 4,32,000/- for the period from 01.10.2019 to 01.11.2025 (72 months). It was pleaded that she had earlier instituted proceedings under Section 125 Cr.P.C. in Case No. 95/2005, wherein maintenance was initially awarded at Rs.1,500/- per month by order dated 06.07.2006. Thereafter, on her application for enhancement, the learned 1st Additional Family Court, Durg, by order dated 03.12.2016 in Case No. 619/2015, enhanced the maintenance to Rs.3,000/- per month, which was further enhanced to Rs.6,000/- per month by the Hon'ble High Court vide order dated 01.10.2019. On the strength of the said order, she sought recovery of the accumulated arrears. The present applicant entered appearance and filed a preliminary objection contending, inter alia, that an application for recovery of maintenance is maintainable only within the prescribed limitation and that a consolidated claim for arrears of 72 months is not legally maintainable. It was further pleaded that the applicant had been providing maintenance and accommodation to

the respondent and that the respondent had contracted a second marriage with one Prahlad Soni @ Baba and was residing with him as his wife, thereby disentitling herself to claim maintenance. The applicant also sought permission to adduce additional evidence, including photographs allegedly depicting the respondent's marriage with the said Prahlad Soni, in support of his defence. However, the learned Family Court, by order dated 17.02.2026, rejected the preliminary objection, and thereafter, vide the impugned order dated 25.02.2026, also dismissed the applicant's application for leading additional evidence. Aggrieved by the said order refusing permission to adduce evidence, the present revision petition has been preferred.

4. Learned counsel for the applicant/revisionist submits that the impugned order dated 25.02.2026 passed by the learned Family Court is illegal, arbitrary, and contrary to the facts and material available on record. It is contended that the learned Family Court has failed to properly appreciate the defence raised by the applicant and has erroneously rejected his application seeking permission to adduce material evidence, particularly the photographs and other evidence relating to the respondent's alleged second marriage with Prahlad Soni @ Baba, which are essential for the just and effective adjudication of the proceedings, as such evidence goes to the root of the respondent's entitlement to claim maintenance. It is further submitted that the respondent has sought recovery of consolidated arrears for a period of 72 months under Section 144(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, which, according to the

applicant, is not legally maintainable. It is also contended that the respondent has suppressed material facts and has filed the application with *mala fide* intention solely to recover money from the applicant despite her alleged disqualification from claiming maintenance. Therefore, it is submitted that the impugned order deserves to be set aside and the applicant be afforded an opportunity to lead evidence in support of his defence in the interest of justice.

5. I have heard learned counsel for the applicant, perused the pleadings and documents appended thereto.
6. From a perusal of the impugned order, it transpires that the learned Family Court, after due consideration of the pleadings of the parties, the material available on record, and the relevant provisions of law, has rightly passed the impugned order. The learned Family Court has recorded cogent and well-reasoned findings while rejecting the applicant's application for adducing additional evidence, holding that the proposed evidence was not necessary for the adjudication of the proceedings under Section 144(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, which are confined to the enforcement and recovery of maintenance already determined by competent courts. The learned Family Court has also rightly observed that the applicant's objections and the plea regarding the respondent's alleged second marriage cannot be permitted to enlarge the scope of the execution/recovery proceedings at this stage. The impugned order reflects proper application of judicial mind and has been passed in accordance with the settled principles of law.

7. 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.
8. Accordingly, the criminal revision, being devoid of merit, is liable to be and is hereby **dismissed**.
9. Let a certified copy of this order be transmitted to the trial Court concerned forthwith for necessary information and compliance.

Sd/-
(Ramesh Sinha)
Chief Justice

Rahul Dewangan