



2026:CGHC:4212



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 91 of 2024

Ayushman Sharma S/o Shri Shyamakant Sharma Aged About 25 Years R/o Arjun Nagar, Near New Saraswati School, Pateri, Raghuraj Nagar, Satna (M.P.),...(Revesioner)

... Applicant

versus

1. Smt. Khushbu Sharma W/o Ayushman Sharma Aged About 25 Years R/o Sector-3, Road No. 1, Kushalpur, P.S. Purani Basti, Tahsil And District Raipur (C.G.),...(Applicants)
2. Sayunkta Sharma D/o Ayushman Sharma, Aged About 04 Months, Minor, Through Her Natural Guardian Mother (Non-Applicant No. 1), R/o Sector-3, Road No. 1, Kushalpur, P.S. Purani Basti, Tahsil and District Raipur (C.G.)

... Non-Applicants

For Applicant	: Mr. Chandrabhusan Kesharwani, Advocate.
For Non-Applicants	: Mr. Kamlesh Patel, Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

23.01.2026

1. Heard Mr. Chandrabhusan Kesharwani, learned counsel for the applicant. Also heard Mr. Kamlesh Patel, learned counsel for the non-applicants.
2. Mr. Kamlesh Patel, learned counsel appeared and submits that since Mr. Priyank Rathi has now been appointed as State Counsel, hence, he prays for time to file his power on behalf of the applicant to argue the matter.



3. This Criminal Revision is being aggrieved of the judgment dated 22.11.2023 passed by the learned Second Additional Principal Judge, Family Court, Raipur, District – Raipur (C.G.) in MCC No. 01/2022, whereby the application of interim maintenance filed by non-applicant No. 1 has been dismissed but interim application for non-applicant No. 2 has been allowed and Rs. 5,000/- interim maintenance has been fixed.
4. The facts, in brief, is that the non-applicants filed an application under Section 125 of the Code of Criminal Procedure, 1973, before the learned Family Court, Raipur, District Raipur (C.G.), seeking maintenance, along with supporting documents. The non-applicants also filed an application for interim maintenance pending the final disposal of the main application, on 30.12.2021. In the application, it was stated that the marriage between the applicant and non-applicant No.1 was solemnized on 27.06.2020 according to Hindu rites and customs at Chiroli Colony, Reewa, Hotek Dunk Palace, T.P. Nagar, Reewa (M.P.). Out of the wedlock of the parties, non-applicant No.2, Sanyukta Sharma, was born on 18.09.2021. All expenses related to the delivery, medicines, and other necessities were borne by non-applicant No.1 and her family members. After the marriage, non-applicant No.1 resided in the matrimonial house at Satna. However, the applicant habitually consumed alcohol and assaulted non-applicant No.1. Despite this cruelty, non-applicant No.1 continued to reside in the matrimonial house. The applicant often returned home after midnight in an inebriated state, sometimes accompanied by his friends. The applicant filed a reply denying all allegations made by non-applicant No.1 in the application. The applicant, however, admitted the marriage and the birth of the child, stating that no information was provided to him or his family regarding the birth of non-applicant No.2, Sanyukta Sharma, on 18.09.2021. The applicant and his family received the information only



three to four days later, while the applicant's mother was admitted at Life Medcity Hospital, Jabalpur, for a knee transplantation. Thereafter, the applicant attempted to contact the non-applicants, but non-applicant No.1 refused to meet him, and even photographs of the newborn child were not provided. Meanwhile, the applicant fulfilled monetary demands and other obligations of the non-applicants. The applicant is a disabled person, earning nothing and fully dependent on his parents. The disability has been certified by the Civil Surgeon, Balaghat (M.P.).

5. Learned counsel appearing for the applicant submits that the impugned order dated 22.11.2023 (Annexure A-1) is illegal, invalid, contrary to law, and procedurally defective, suffering from illegality and perversity, and is therefore liable to be set aside. The learned Family Court failed to consider that the applicant is a permanently disabled person with a locomotor disability affecting the head and throat, rendering his earning capacity NIL. The Court noted in its order that the applicant conducts no business, yet passed the impugned order, which is liable to be quashed. Non-applicant No.1 resided with the applicant for only three months out of nine months of marriage and has since been living continuously in her maternal house voluntarily. Despite several attempts by the applicant to reconcile, she refused to cohabit and filed miscellaneous petitions before various forums. The applicant is therefore seeking settlement of the matter through permanent alimony under mediation. The Family Court ignored the fact that in a separate case of domestic violence pending before the JMFC, an interim maintenance of Rs. 10,000/- per month had already been fixed for the respondents, yet the Court ordered an additional Rs. 5,000/- per month maintenance in favor of non-applicant No.2, which is liable to be quashed. The learned Court exceeded its jurisdiction by passing the impugned order and simultaneously fixing



interim maintenance, which is also liable to be quashed. The learned trial Court noted that no document was submitted by the non-applicants regarding the source of income of the applicant, yet it fixed interim maintenance of Rs. 5,000/- per month, which is erroneous and liable to be quashed.

6. On the other hand, learned counsel for the non-applicants 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.
7. I have heard learned counsel for the parties, perused the pleadings and documents appended thereto.
8. 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 after hearing all the statements of the witnesses and perusing the evidence available on record, and considering the conditions of both the parties, 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.
9. Accordingly, the criminal revision being devoid of merit is liable to be and is hereby **dismissed**.
10. Let a certified copy of this order as well as original record of this case be sent to the concerned trial Court for necessary information and compliance forthwith.

Sd/-
(Ramesh Sinha)
Chief Justice