



2026:CGHC:3301



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 117 of 2026

Kailash Kumar Sahu S/o Parmanand Sahu Aged About 29 Years R/o Lilesh Fancy Store, Tiranga Chowk, Pahadi Pond, Kushalpur, Police Station Purani Basti, District Raipur C.G.

... Applicant

versus

1 - Smt. Dolly Sahu W/o Kailash Kumar Sahu Aged About 24 Years R/o Village Teka, Police Station Rajim, District Gariyaband C.G.

2 - Minor Anshika Sahu D/o Kailash Kumar Sahu Aged About 7 Years Aged About 7 Months, Minor Represented Through Mother Smt. Dolly Sahu C/o Shobharam Sahu, R/o Village Teka, Police Station Rajim, District Gariyaband C.G.

... Non-applicants

For Applicant	:	Mr. Sanjeev Kumar Sahu, Advocate
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Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

20.01.2026

1. By way of this revision, the applicant has prayed for following relief:-

"It is therefore most respectfully prayed that this Hon'ble Court may kindly be pleased to set-aside the impugned order dated 10.12.2025, in the interest of justice."



2. The facts of the case, in brief, are that the non-applicants filed an application under Section 144 of the Bharatiya Nagarik Suraksha Sanhita (B.N.S.S.) before the learned Family Court seeking maintenance along with an application for interim maintenance, stating that non-applicant No.1 is the legally wedded wife of the applicant and their marriage was solemnized on 07.06.2023 as per Hindu rites and rituals. It was alleged that after marriage she was subjected to cruelty on account of dowry demand and was ultimately ousted from the matrimonial home on 18.11.2023, whereafter she started residing at her parental home and non-applicant No.2 was born on 30.05.2024. It was further pleaded that non-applicant No.1 has no source of income, whereas the applicant has sufficient means but has failed to maintain the non-applicants. The applicant filed his reply denying all allegations of cruelty and dowry demand, contending that non-applicant No.1 voluntarily left the matrimonial home without any reasonable cause, that she is well-educated holding graduate and P.G.D.C.A. degrees and is capable of maintaining herself, and that the applicant is burdened with responsibilities of maintaining his aged parents, paying monthly house rent and bank loan installments. After hearing both the parties, the learned Family Court, vide impugned order dated 10.12.2025, partly allowed the application and directed the applicant to pay interim maintenance of Rs.12,000/- per month to the non-applicants from the date of application i.e. 06.01.2025. Aggrieved by the said order, the applicant has preferred this revision.



3. Learned counsel for the applicant submits that the impugned order dated 10.12.2025 passed by the learned Family Court is bad in law, perverse, arbitrary and erroneous, and is therefore liable to be set aside. It is contended that the learned Family Court has gravely erred in directing payment of interim maintenance from the date of application i.e. 06.01.2025 without assigning any cogent reasons. It is further submitted that the non-applicant No.1 is residing separately without any reasonable or sufficient cause despite repeated efforts made by the applicant to resume cohabitation, and hence is not entitled to claim maintenance. The learned Family Court failed to consider that the applicant is burdened with the responsibility of maintaining his old and infirm parents, paying monthly house rent of Rs.6,000/- and bank loan installments of Rs.9,906/-, thereby leaving him with very limited means. It is also submitted that non-applicant No.1 is a well-educated, healthy and capable lady, competent to maintain herself, and that the benefit under Section 144 of B.N.S.S. is not automatic or a matter of right. The quantum of interim maintenance awarded is on the higher side and disproportionate to the actual income of the applicant. Lastly, the learned Family Court failed to properly appreciate the documentary and oral evidence on record and arrived at an unsustainable conclusion, warranting interference by this Hon'ble Court.
4. I have heard learned counsel for the applicant, perused the pleadings and documents appended thereto.



5. From perusal of the impugned order, it transpires that the learned Family Court, upon consideration of the pleadings, affidavits and material available on record, has rightly appreciated the facts and circumstances of the case and correctly exercised its jurisdiction while passing the impugned order dated 10.12.2025. The Court has duly taken note of the admitted marital relationship between the parties, the birth of non-applicant No.2 from the wedlock, and the fact that non-applicant No.1 is residing separately after being allegedly subjected to matrimonial cruelty. Keeping in view the immediate needs of the wife and minor child, as well as the statutory object of Section 144 of the Bharatiya Nagarik Suraksha Sanhita (B.N.S.S.), the learned Family Court has judiciously granted interim maintenance of Rs.12,000/- per month from the date of application i.e. 06.01.2025, which cannot be said to be excessive or arbitrary. The order reflects due application of judicial mind, balances the competing claims of the parties, and is in consonance with settled principles of law governing grant of interim maintenance.
6. Considering the submissions advanced by the learned counsel for the applicant and also considering the finding recorded by the learned Family Court, I do not find any illegality or infirmity in the impugned order passed by the learned Family Court concerned.
7. Accordingly, the prayer made to quash the impugned order is refused.



8. However, the present revision is **disposed of** with the direction that the concerned Family Court is at liberty to conclude the proceedings under Section 144 of BNSS, preferably within a period of four months, if there is no any legal impediment.
9. Office is directed to send a certified copy of this order to the Family Court concerned for necessary information and compliance.

Sd/-
(Ramesh Sinha)
Chief Justice

Rahul Dewangan