



2026:CGHC:9218



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 279 of 2026

Dinesh Kumar Swarnkar S/o Chandrika Swarnkar Aged About 50 Years
R/o Bilaspur, Tahsil And Distt. Bilaspur Chhattisgarh At Present R/o
Ramnagar, Ward No. 8, In Front Of Grocery Store, Kawardha, Distt. -
Kabeerdham Chhattisgarh

... Application(s)

versus

1 - Smt. Vandana Swarnkar W/o Dinesh Kumar Swarnkar Aged About 48
Years R/o Q. No. 4 Fes, Vip City, Rajeev Vihar, Rajkishor Nagar, Bilaspur,
Thana - Sarkanda, Distt - Bilaspur Chhattisgarh

2 - Ku. Shailja Swarnkar D/o Dinesh Kumar Swarnkar Aged About 18
Years R/o Q. No. 4 Fes, Vip City, Rajeev Vihar, Rajkishor Nagar, Bilaspur,
Thana - Sarkanda, Distt - Bilaspur Chhattisgarh

3 - Aashutosh Swarnkar S/o Dinesh Kumar Swarnkar Aged About 15 Years
Through Guardian Mother Smt. Vandana Swarnkar, R/o Q. No. 4 Fes, Vip
City, Rajeev Vihar, Rajkishor Nagar, Bilaspur, Thana - Sarkanda, Distt -
Bilaspur Chhattisgarh

... Respondent(s)

For Applicant(s) : Mr. Samir Singh, Advocate.

For Respondent(s) : None.

**Hon'ble Shri Ramesh Sinha, Chief Justice****Order on Board****23/02/2026**

1. The applicant has filed this criminal revision against the order dated 29.12.2025 passed by learned 1st Additional Principal Judge, Family Court, District – Bilaspur (C.G.) in Misc. Criminal Case No. 345/2025, whereby, the learned Family Court partly allowed the application under Section 144 of the BNSS, filed by the respondents and directed the applicant to pay Rs.3,000/- per month to respondent No.1 and Rs.2,000/- per month to respondent No.3 towards maintenance.
2. Brief facts of the case are that the applicant and Non-Applciant No. 1 are husband and wife, and it is an admitted position that their marriage was solemnized on 30.06.2006 as per the customs prevailing in their community. As per the averments made in the application filed under Section 144 of the B.N.S.S., it has been alleged that after marriage the applicant/husband started harassing and physically assaulting the non-applciant and demanded dowry, due to which she was compelled to leave the matrimonial home and reside with her parental family. It is further alleged that despite living separately on account of such harassment, the applicant failed to maintain or provide any financial support to the non-applciant, and therefore, on 28.04.2025, the non-applciant filed an application under Section 144 of the B.N.S.S. claiming maintenance of Rs. 1,00,000/- per month. The matter was thereafter fixed for arguments before the learned Family Court. However, the present



applicant/husband remained absent and was proceeded ex-parte.

Consequently, the learned Family Court passed an ex-parte order awarding a total sum of Rs. 5,000/- per month (Rs. 3,000/- + Rs. 2,000/-) as maintenance in favour of the non-applicants (R-1 and R-3). Being aggrieved by the said ex-parte order, which was passed without affording proper opportunity of hearing to the applicant, the present revision petition has been preferred.

3. Learned counsel for the applicant submits that the learned Family Court has committed a grave error in awarding maintenance of Rs. 5,000/- per month in favour of the non-applicants without properly appreciating the material available on record, as respondent No. 1/wife has failed to establish any justifiable or sufficient reason for residing separately from the applicant/husband and, therefore, in view of settled principles governing maintenance, she is not entitled to claim the same. It is further contended that respondent No. 1 is a practicing advocate having an independent source of income and is fully capable of maintaining herself, which material fact has been ignored by the learned Court below. It is submitted that the impugned order has been passed ex-parte without affording adequate opportunity to the applicant, and merely because the applicant could not appear on the relevant dates, an adverse order ought not to have been passed without proper scrutiny of pleadings and evidence. It is also argued that the wife voluntarily left the matrimonial home of her own accord and is residing at her parental house (Mayka) without any sufficient cause, and therefore, she cannot claim maintenance. Learned counsel further submits that



pursuant to directions of the this Court in CRMP No. 2214/2025 arising out of proceedings under Section 498-A IPC, the applicant has already paid a sum of Rs. 1,00,000/- to the wife, and the said amount ought to have been duly considered and adjusted while determining maintenance. It is contended that the learned trial Court has failed to properly appreciate the evidence and documents on record and has passed the impugned order without any cogent proof regarding the actual income of the applicant, who is about 50 years of age and engaged in private employment with limited earnings. The order, it is submitted, is contrary to the settled principles of law laid down by the Hon'ble Supreme Court in *Rajnesh v. Neha and Another*, reported in 2021 (2) SCC 324, wherein comprehensive guidelines have been framed regarding determination of maintenance, including assessment of income, liabilities, and capacity of both parties, and therefore, the impugned order deserves to be set aside.

4. I have heard learned counsel for the applicant, perused the impugned order and other documents appended with criminal revision.
5. From perusal of the impugned order, it transpires that the learned Family Court has partly allowed the application under Section 144 of the B.N.S.S. and directed the present applicant to pay maintenance of Rs. 3,000/- per month to respondent No. 2 and Rs. 2,000/- per month to respondent No. 3 as maintenance, holding that the respondents therein are the wife, son and daughter of the applicant and that such relationship was not disputed. It was further recorded



that respondent No. 2 therein i.e., Kumari Shailja Swarnkar, has stated her age as 18 years and, being a major, she would not ordinarily be entitled to maintenance in the absence of any pleading or proof regarding physical or mental abnormality or disability. Accordingly, the Court held that she is not eligible for maintenance after attaining majority. The Court then concluded that respondent No. 1 (wife) and respondent No. 3 (minor son) are legally entitled to claim maintenance from the applicant/husband, as the responsibility to maintain them, and granted maintenance as aforementioned, which cannot be said to be on higher side.

6. Considering the submissions 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 revision being devoid of merit is liable to be and is hereby **dismissed**.

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