



2026:CGHC:9233

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 276 of 2026**

1 - Shrikant Thawait S/o Late Yamuna Prasad Thawait, Aged About 62 Years, R/o - Qtr No. B-14, Jai Prakash Colony, S.E.C.L. Korba, Police Station, Tahsil And District - Korba, Chhatisgarh. Presently R/o. Purani Basti, Rup Sundar Bhawan, Korba, Tahsil And Distirct - Korba, Chhattisgarh.

2 - Smt. Laxmi Thawait Wd/o. Shri Ravikant Thawait, Aged About 45 Years, R/o Purnima Niwas, Near Bhandari Chowk, Purani Basti, Korba, Police Station, Tah And Distt- Korba, Chhattisgarh.

... Applicants**versus**

1 - Smt. Ritu Thawait Wife Of Shri Shrikant Thawait, Aged About 47 Years, R/o - Qtr No. B-14, Jai Prakash Colony, S.E.C.L. Korba, Police Station, Tahsil And District - Korba, Chhatisgarh.

2 - Ku. Shweta Thawait D/o. Shri Shrikant Thawait, Aged About 27 Years, R/o - Qtr No. B-14, Jai Prakash Colony, S.E.C.L. Korba, Police Station, Tahsil And District - Korba, Chhatisgarh.

3 - Ku. Sneha Thawait D/o. Shri Shrikant Thawait, Aged About 20 Years, R/o - Qtr No. B-14, Jai Prakash Colony, S.E.C.L. Korba, Police Station, Tahsil And District - Korba, Chhatisgarh.

... Respondents

For Petitioners : Mr. P.K. Patel, Advocate

For Respondents : Not noticed

Hon'ble Shri Justice Sanjay Kumar Jaiswal**Order on Board****23/02/2026**

1. Heard.

2. The instant petition has been filed under Section 438 read with Section 442 of Bharatiya Nagarik Suraksha Sanhita, 2023, against the impugned order dated 29.01.2026 passed by the learned 02nd Additional Sessions Judge, Korba, District - Korba (C.G.) in Criminal Appeal No. 128/2025, arising out of the order dated 28.11.2025 passed by the learned Judicial Magistrate First Class, Korba District-Korba (C.G.) in Misc. Criminal M.J.C. Case No. 30/2023.
3. Briefly, the facts of the case are that the respondents filed an application under Section 12 read with Sections 18-23 of the Protection of Women From Domestic Violence Act, 2005 before the learned JMFC, seeking interim maintenance, stating that respondent No. 1 married the applicant No. 1 on 28.06.1997, and out of the their wedlock, the respondents No. 2 & 3(daughters) were born. After the birth of their daughters, applicant No. 1 and his family allegedly subjected respondent No. 1 to mental and physical abuse. The Applicant No. 1 after the sad demise his brother had taken special care of his brother's family by managing their expenses instead of taking care of respondents. It is also alleged that applicant No. 1 neglected them, didn't take them to social or family events and was careless about their daughter's education and refused to provide financial support to the respondents despite having sufficient income. The respondents claims

they are struggling to survive and sought Rs. 21,000 as interim maintenance.

4. The learned JMFC after perusal of the case passed the order on 28.11.2025 to the effect that the Applicant No. 1/husband shall pay the amount of Rs.10,000/- per month as interim maintenance till final disposal of the case in favour of the Respondents. Being aggrieved by the said order, the applicant No. 1/husband filed an appeal before the learned 02nd Additional Session Judge, Korba, District-Korba C.G. and vide impugned order dated 29.01.2026, the learned Sessions Judge has reduced the interim maintenance to Rs.8,000/- in favour of the respondents. Hence, the present petition has been filed by the Petitioner/husband.
5. The petitioner's counsel argues that respondent No. 1 is in a "live-in relationship" with one Akshay Dewangan willfully and enjoying her life. He further submits that the learned trial Court as well as the appellate Court failed to consider that the respondents had left the petitioner's house of their own accord and are earning to maintain themselves. Therefore, the matter does not fall under the purview of the Domestic Violence Act, and the interim maintenance granted in favour of the respondents is not in accordance with the law and is liable to be quashed. Both the Courts below have committed a grave error in not appreciating the

material facts and evidence on record and have passed erroneous orders, which are liable to be set aside in the interest of justice.

6. I have heard learned Counsel appearing for the applicant and perused the documents annexed with the revision including the impugned orders.
7. After carefully examining the impugned order, it is evident that applicant No. 1 is currently receiving a monthly pension of Rs. 38,000/- and the deduction of Rs.5,000/- towards quarter rent is not rebutted by the respondents, therefore, considering all these facts, the learned appellate Court has reduced the interim maintenance to Rs. 8,000 from Rs.10,000/-, in which, I find no perversity, illegality, or inconsistency in the findings recorded by the learned appellate Court. Only Rs. 8,000 has been awarded as interim maintenance to the respondents, who are the wife and daughters of applicant No. 1. Hence, at this stage, I am not inclined to interfere with the order impugned.
8. Accordingly, the present revision is hereby **dismissed** at motion stage itself.

Sd/-

(Sanjay Kumar Jaiswal)
Judge