



2026:CGHC:10054



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 299 of 2026**

Suraj Gupta Son of Nandkishore Gupta Aged About 34 Years Occupation Director of Maa Mahamaya Mobile Shop Resident Of In Front of Ekta Stadium Ward No. 09, Vishrampur, Tahsil And District - Surajpur, Chhattisgarh.

... Applicant**versus**

1. Smt. Anu Gupta Wife Of Suraj Gupta Aged About 26 Years Resident of Village Babauli, P.S. And Tahsil Dhourpur, District - Sarguja, Chhattisgarh.
2. Shivans @ Kanha Gupta Son of Suraj Gupta Aged About two and half Years Resident of Village Babauli, P.S. And Tahsil Dhourpur, District - Sarguja, Chhattisgarh. (Minor Through Legal Guardian Mother Smt. Anu Gupta, Wife Of Suraj Gupta)

... Respondent

For Applicant : Mr. Dashrath Kushwaha, Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****26.02.2026**

1. Heard Mr. Dashrath Kushwaha, learned counsel, appearing for the applicant.
2. The present revision has been filed by the applicant with the following prayer:

"It is therefore, that this Hon'ble Court may kindly be



pleased to allowed criminal revision and set-aside impugned order dated 23.01.2026 passed by the learned Family Court Ambikapur, District Sarguja Chhattisgarh in Misc. Criminal Case No. 80/2025 or granted maintenance amount of Rs. 3,000/- may be reduced, in the interest of justice.”

3. Facts of the case are that the respondents have filed an application under Section 144 of the B.N.S.S. seeking maintenance, wherein they have claimed maintenance of Rs. 20,000/- per month and have also filed an application for grant of interim maintenance of Rs. 19,000/- per month against the applicant. On 21.04.2022, the applicant solemnized marriage with respondent No. 1 according to Hindu customs. Since then, respondent No. 1 lived with the applicant as his wife at her matrimonial home, and out of their wedlock, respondent No. 2 was born. As per the allegations made by respondent No. 1, after some time of the marriage, the applicant and his family members started harassing and torturing her on account of insufficient dowry and also committed marpeet (physical assault) upon her while using filthy language. It is further alleged that the applicant demanded dowry in a cruel manner, and hence respondent No. 1 left her matrimonial home and started residing with her daughter, respondent No. 2, at her parental house. The respondent No. 1 has no source of income for her survival, whereas the applicant is allegedly working as the Director of a mobile shop and earning Rs. 50,000–60,000/- per month, besides owning agricultural land. Hence, the respondents filed an application under Section 144 of the B.N.S.S. seeking maintenance of Rs. 20,000/- per month from the applicant.
4. After issuance of notice, the applicant filed his reply, denied all the



averments made in the application, and submitted an affidavit stating that respondent No. 1 quarreled with him without any reason and left her matrimonial home on her own.

5. The learned Family Court, vide order dated 23.01.2026, allowed the maintenance application of the respondents and directed the applicant to pay maintenance of Rs. 3,000/- per month (Rs. 2,000/- to respondent No. 1 and Rs. 1,000/- to respondent No. 2).
6. Learned counsel for the applicant submits that the impugned order passed by the learned Family Court is completely illegal, erroneous, arbitrary, and contrary to the evidence and documents submitted by the applicant. He submits that the learned Family Court has failed to appreciate that the applicant has never treated the respondent with cruelty and has always tried to maintain his matrimonial life, however, respondent No. 1 refused to live with him without sufficient cause. Hence, the impugned maintenance order is liable to be set aside. He also submits that the learned Family Court has overlooked the income details disclosed in the affidavit executed by the applicant while passing the impugned order, which is contrary to law and therefore liable to be set aside. The applicant's old mother and other family members are entirely dependent upon his income, and there is no one else to take care of them except the applicant. The learned Court failed to consider that the respondent left the applicant's house without any sufficient reason and has been living separately on her own accord. He further submits that within a few days of the marriage, the respondent left her matrimonial home without any sufficient reason and made no effort to return and reside with the applicant. Hence, she is not entitled to maintenance, and the impugned maintenance order is liable to be set aside. He submits



that the maintenance amount awarded is on the higher side and is liable to be modified. The learned Family Court failed to consider that the respondent did not prove the income of the applicant and did not produce any document regarding his income. Therefore, the maintenance awarded at Rs. 3,000/- per month is liable to be quashed. In view of the entire material facts and applicable law, the order passed by the learned Family Court is arbitrary in nature and liable to be quashed. Prior to filing the application under Section 144 of the B.N.S.S., respondent No. 1 never made any complaint to her relatives regarding alleged harassment, torture, or dowry demands by the applicant. In fact, respondent No. 1 was not interested in continuing her marital life and deliberately left her matrimonial home without any sufficient reason. She has been managing her survival through her own income, therefore, the impugned order is liable to be set aside. The learned Family Court has granted Rs. 3,000/- per month to the respondents without properly examining the sources of income of the applicant. The maintenance amount awarded is unjustified and contrary to law.

7. I have heard learned counsel for the applicant, perused the pleadings and documents appended thereto.
8. Considering the submission advanced by the learned counsel for the applicant, materials available on record and also considering the price index and medical expenses, total amount awarded to the respondent cannot be said to be shockingly on higher side warranting interference by this Court in the present revision petition.
9. Accordingly, the prayer made to quash / modify the impugned order is refused.



- 10.** 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 the BNSS, preferably within a period of four months from today, if there is no any legal impediment.

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

Abhishek