



2026:CGHC:10319



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 305 of 2026**

Naveen Kumar Tiwari S/o Shri Pradumnath Tiwari Aged About 36 Years R/o Village Pamgarh, Thana And Tahsil Pamgarh, Distt.- Janjgir Champa (C.G.)

... Applicant**versus**

1. Smt. Bharti Tiwari W/o Naveen Kumar Tiwari Aged About 28 Years R/o Irani Mohalla, Infront of Sulabh Sauchalaya, Sarkanda, Thana Sarkanda, Distt. Bilaspur (C.G.)
2. Ku. Tanya Tiwari D/o Naveen Kumar Tiwari Aged About 8 Years Minor Represented Through Natural Guardian Mother Smt. Bharti Tiwari, R/o Irani Mohalla, Infront of Sulabh Sauchalaya, Sarkanda, Thana Sarkanda, Distt. Bilaspur (C.G.)
3. Tushir Tiwari S/o Naveen Kumar Tiwari Aged About 6 Years Minor Represented Through Natural Guardian Mother Smt. Bharti Tiwari, R/o Irani Mohalla, Infront of Sulabh Sauchalaya, Sarkanda, Thana Sarkanda, Distt. Bilaspur (C.G.)

... Respondents

For Applicant : Mr. Damrudhar Yadav, Advocate.

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****27.02.2026**

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



"It is, therefore, prayed that this Hon'ble Court may kindly be pleased to set aside the impugned order dated 31.01.2026 (Annexure A/1) passed by learned First Additional Principal Judge, Family Court, Bilaspur, in MJC No. 419/2025, in the interest of justice"

3. Brief facts of the case are that the applicant and the respondent No. 1 are husband and wife, and their marriage was solemnized in the year 2016 according to Hindu rites and customs and respondent Nos. 2 and 3 were born out of their wedlock. It was alleged before the learned Family Court that after the marriage, the applicant and his family members used to demand dowry and subject respondent No. 1 to mental cruelty. On this ground, she allegedly left the matrimonial house along with her children in March, 2024 and is presently residing with her parents. It was further alleged that the applicant is working as a Clerk in the Janpad Panchayat and is earning a salary of Rs. 60,000/- per month. On this basis, she prayed for interim maintenance of Rs. 20,000/- per month.
4. The applicant submitted his detailed reply before the learned Family Court and denied all the allegations made in the application under Section 144 and the application for interim maintenance filed by the respondents. He specifically denied the averment regarding his employment, stating that he is not working as a Clerk in the Janpad Panchayat but is working as a Peon and is earning a salary of Rs. 11,000/- per month. The applicant further submitted that he belongs to a respectable family and is not in need of any dowry. It was also stated that respondent No. 1 insisted on keeping her parents and brother with her in the matrimonial home, and when the applicant refused, she would frequently quarrel with him. Without informing the applicant and his family members, respondent No. 1 took respondent Nos. 2 and 3, who were



attending school, to her parental home at Chatidih, Bilaspur. The applicant went there to bring them back, however, respondent No. 1 refused to return.

5. The learned Family Court, after appreciating the material available on record, partly allowed the application and held that the respondents had proved their case to some extent. Accordingly, vide order dated 31.01.2026 passed in MJC No. 419/2025, the learned Family Court directed the applicant to pay interim maintenance of Rs. 3,000/- per month to respondent No. 1, Rs. 500/- per month to respondent No. 2, and Rs. 500/- per month to respondent No. 3, totaling Rs. 4,000/- per month.
6. Learned counsel for the applicant submits that the interim maintenance granted vide order dated 31.01.2026 is high and excessive considering the income of the applicant, and therefore the same is liable to be reduced. The learned Family Court failed to properly appreciate the documentary evidence filed by the applicant, which clearly reflects that his actual salary is Rs. 11,000/- per month, and erroneously relied upon the vague and unsubstantiated allegations made by respondent No. 1. He submits that under Section 144 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), an essential requirement for grant of maintenance is that the husband must have “sufficient means.” The learned Court below did not record any specific or clear finding that the applicant has sufficient independent means to pay the amount awarded. The Hon’ble Supreme Court in **Rajnish v. Neha (AIR 2021 SC 569)** has held that the income, liabilities, and assets of both parties must be properly assessed before determining maintenance. He also submits that there is no finding in the impugned order that respondent No. 1 is living separately for “sufficient cause.” It is a settled principle of law that if the wife leaves the



matrimonial home without reasonable and sufficient cause, she is not entitled to claim maintenance. The respondent No. 1 has made false allegations against the present applicant and his family members. She herself left the matrimonial home without any justified reason, whereas the applicant is still willing and ready to keep her with him and discharge his marital obligations. He also submits that the impugned order is cryptic in nature and does not discuss the pleadings and documents filed by the applicant in detail. Judicial discretion must be exercised with due application of mind and supported by cogent reasons.

7. I have heard learned counsel for the applicant and perused the judgment of the learned Family Court.
8. Upon perusal of the impugned order, it transpires that the learned Family Court, after duly considering the pleadings, documents, and evidence adduced by the parties, has partly allowed the application filed under Section 125 of the CrPC by the respondents. The learned Family Court, upon appreciation of the material available on record, awarded the interim maintenance of Rs. 3,000/- per month to respondent No. 1, Rs. 500/- per month to respondent No. 2, and Rs. 500/- per month to respondent No. 3, totaling Rs. 4,000/- per month.
9. 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 respondents cannot be said to be shockingly on higher side warranting interference by this Court in the present revision petition.
10. Accordingly, the criminal revision being devoid of merit is liable to be and is hereby **dismissed**.



11. Let a certified copy of this order be sent to the concerned trial Court for necessary information and compliance forthwith.

Sd/-
(Ramesh Sinha)
Chief Justice

Abhishek