



2026:CGHC:4222

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 249 of 2023**

1. Smt. Sarojani Patley Bharadwaj W/o Dushyant Kumar Bharadwaj Aged About 32 Years R/o Shatabdi Nagar, Raipur Telibandha, District : Raipur, Chhattisgarh
2. (Minor) Amay Kumar Bharadwaj S/o Dushyant Kumar Bharadwaj Aged About 5 Years Through Natural Guardian Mother Smt. Sarojani Patley Bharadwaj, R/o Shatabdi Nagar, Raipur Telibandha, District : Raipur, Chhattisgarh
3. (Minor) Omi Bharadwaj S/o Dushyant Kumar Bharadwaj, Aged About 04 Months, Through Natural Guardian Mother Smt. Sarojani Patley Bharadwaj, R/o Shatabdi Nagar, Raipur Telibandha, District : Raipur, Chhattisgarh

... Applicants**versus**

Dushyant Kumar Bhardwaj S/o Sadhelal Bharadwaj Aged About 37 Years Address-Amay Software Solutions Pvt, Near Kanha Paints, Congress Bhawan, Bemetara (C.G.), R/o Village Lolesara, Tehsil Bemetara, District : Bemetara, Chhattisgarh

... Respondent

For Applicants : Mr. Anup Majumdar, Advocate.

For Respondent : Mr. Rishabh Singh, Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****23.01.2026**

1. Heard Mr. Anup Majumdar, learned counsel appearing for the applicants.
Also heard Mr. Rishabh Singh, learned counsel, appearing for the



respondent.

2. The present revision has been filed by the applicants with the following prayer:

"It is therefore, prayed that the impugned order dated 30.11.2022 may be set aside to the extent of non granting of maintenance to the applicant wife and further granting / enhancing the maintenance to the applicants as prayed in the original application."

3. Facts of the case are that the applicant No. 1 and the respondent solemnized their marriage on 03.07.2009, according to Hindu rites and rituals in Raipur. After the wedlock, the parties started residing in Pune, Maharashtra, and later shifted to Bemetara district. During this period, the applicant No. 1 gave birth to applicant No. 2, a son namely Amay Kumar, and during the pendency of the application under Section 125 of the Cr.P.C., the applicant gave birth to applicant No. 3, a daughter namely Omi. The respondent is a Software Engineer and is working as a Software Developer in a foreign company, i.e., GNS Engineering India Private Limited, whose office is located in Pune, Maharashtra. The respondent's pay scale is Rs. 2,00,000/- per month, and he was working there even prior to the marriage. The respondent also receives other benefits and facilities from his job, including a car, housing loan, and two trips to Germany every year. The respondent's father was a retired employee of Century Cement, Baikunth, and at present, the family owns approximately 10 acres of agricultural land. The respondent's brother is an engineer and works in Canada, and the respondent's sisters are married. As a result, the respondent's parents were living alone in the village Lolesara, Bemetara, and on their request, the respondent applied



for “Work From Home” in his company in 2013. After approval of the said application, both parties left Pune and started residing in Bemetara. However, the respondent did not like the village environment where his parents lived, so he moved to Sambhart Colony, Bemetara, and opened an office under the name Software Solution. At the time of marriage, the applicant and her family were informed that the respondent refrains from intoxication and does not consume alcohol. However, after marriage, it was found that the respondent consumed alcohol daily as a routine and also subjected the applicant to verbal abuse and mental torment. He repeatedly belittled the applicant, comparing her family unfavorably with his own financial status and lifestyle. After consuming alcohol and tormenting the applicant, she had no one to confide in regarding the daily abuse. The applicant came to know of the respondent’s bad habits, including drinking and obscene behavior, which also adversely affected their child. The antics of the respondent caused severe mental distress to the applicant and even drove her to attempt suicide. The applicant No. 1 was physically assaulted and thrown out of the house. Subsequently, the applicant’s parents convened a family and social meeting, where everyone tried to persuade the respondent to change his behavior, but the respondent paid no heed and continued to subject the applicant to cruelty. The cruelty escalated over time. The applicant, due to the respondent’s menacing behavior, was forced to endure continuous molestation and abuse. When the situation became intolerable, the applicant left the house while being seven months pregnant, a period during which she required full care and affection. Continued exposure to such cruelty posed a serious risk to her mental and physical well-being. The applicant is an educated woman. After leaving her matrimonial home, she became fully dependent on her parents and initially started



teaching children in a school to meet her expenses, but she later lost her employment. The applicant No. 1, thereafter, filed an application under Section 125 of the Cr.P.C. for claiming maintenance from the respondent for herself and her children before the Learned Family Court, Raipur in Cri. MJC No. 311/2018.

4. The Learned Family Court, after adducing evidence from both parties, disallowed maintenance claimed by the applicant for herself but partly allowed maintenance for applicant Nos. 2 and 3, granting a sum of Rs. 8,000/-, vide order dated 30.11.2022, and further ordered that the interim maintenance already granted to the applicant be adjusted.
5. The learned Family Court, vide order dated 30.11.2022, disentitled the applicant No. 1 from claiming maintenance on the ground that she is competent to maintain herself. It is pertinent to mention that the respondent had also filed an application for restitution of conjugal rights, which was dismissed by the Court on the ground that the applicant had sufficient cause for living separately. The respondent further filed an application for divorce under Section 13 of the Hindu Marriage Act, which was also rejected by the Learned Family Court, Bemetara.
6. As soon as the respondent became aware of the Section 125 application filed by the applicant, he attempted to manipulate documents, including medical reports and relieving letters, to misrepresent his financial status. The respondent, being well-educated and professionally competent, runs a software development office and has a sound financial background. Therefore, the maintenance amount awarded to the children by the learned Family Court should be enhanced, and the applicant herself should be granted maintenance as claimed in her Section 125 application.



7. Learned counsel for the applicant submits that the maintenance amount awarded to the children by the learned Family Court, Raipur is meager, and the fact that the applicant No. 1 has been disentitled from maintenance is per se illegal. Therefore, in view of the evidence available on record, the maintenance for the children should be enhanced, and the applicant No.1 herself may also be granted maintenance. He also submits that after leaving her matrimonial residence, the applicant No.1 has become fully dependent upon her parents. The applicant is virtually unemployed and is facing hardship in earning her livelihood. Even after receiving the maintenance granted for her children, the applicant has to manage and curtail expenses incurred in maintaining them. Therefore, the maintenance amount should be enhanced. In addition, arrears of maintenance have remained unpaid for a long time. He submits that the learned Family Court has not correctly evaluated the facts and circumstances of the case. The applicant's maintenance claim was rejected on the ground that she had sufficient means to maintain herself, whereas she has in fact lost her job. Hence, the learned Court wrongly applied the precedent set in ***Rajnish vs Neha***. It is settled law that even if a wife is earning, she is still entitled to maintenance in accordance with the lifestyle she enjoyed in the matrimonial home. Mere earning by the wife cannot be a ground for outright rejection of her maintenance claim. The Family Court should have applied its mind carefully before rejecting the applicant's prayer for maintenance. The learned Family Court has not properly evaluated the family, social, and financial status of both parties and has wrongly applied the principle laid down by the Hon'ble Supreme Court in *Rajnish vs Neha*. The Court's finding regarding the income of the respondent does not reflect a proper assessment in the context of granting maintenance to the applicant. He also submits that the Family



Court below has wrongly arrived at a vague conclusion regarding the income of both husband and wife. The husband's educational background, professional expertise, and potential to earn are far greater than the income assessed by the Court. The respondent has misrepresented himself as unemployed, whereas he is presently working as a freelance software developer, earning more than Rs. 4,00,000/- per month from domestic and overseas clients under a fictitious name. The Court failed to consider the husband's actual potential while assessing the meager earnings shown by the wife, which are barely sufficient for her survival. There are also agricultural lands in the name of the husband, jointly with other family members. Information/documents regarding these lands were not accessible to the applicant at the time of hearing before the Family Court. Additional documents are being filed separately along with the present petition. He submits that applicant has not claimed regular income, yet the Family Court concluded that she is able to earn sufficiently to meet her expenses. The applicant's teaching assignment at a school was temporary, and her services were subsequently terminated. Relevant documents in this regard are attached, but the Family Court did not consider them while assessing her income. He submits that the purpose of granting maintenance under Section 125 of the Cr.P.C. is not for bare survival but to ensure a respectable and humane standard of living in accordance with the status of the family. The respondent is a qualified engineer and software developer, and it is wholly unbelievable and false that he claims to be unemployed merely to deprive the wife of her rightful maintenance. The respondent's falsehood is further apparent from his application filed under The Guardians and Wards Act seeking custody of the male child, wherein he has stated his earning potential, capacity, and family background, facts that are completely contrary to his



pleadings in the Section 125 proceedings. The Family Court failed to consider these aspects and consequently denied maintenance to the wife. The quantum of maintenance granted to the children at Rs. 4,000/- per child is very low. The maintenance for the children and the wife should correspond to the standard of living and social status of the family prior to separation, and be proportionate to the actual earnings and financial capacity of the husband.

8. On the other hand, learned counsel appearing for the respondent opposes the prayers and submissions made by learned counsel for the applicants.
9. I have heard learned counsel for the parties, perused the pleadings and documents appended thereto.
10. From perusal of the impugned order, it transpires that the learned Family Court, after considering all the documents and evidence adduced by the parties, has partly allowed the application under Section 125 of the Cr.P.C. filed by the applicants. The Court has awarded maintenance of Rs. 4,000/- each to applicant Nos. 2 and 3, whereas the application for grant of maintenance preferred by Applicant No. 1 (wife) was rejected on the ground that she is competent to maintain herself. The Court arrived at this conclusion after considering the income, social and economic status of both the parties and the current price index, and the amount awarded cannot be said to be on the lower side.
11. Considering the submission advanced by the learned counsel for the parties and perusing the impugned order and the finding recorded by the learned Family Court, I am of the view that the learned Family Court has not committed any illegality or infirmity or jurisdictional error in the impugned order warranting interference by this Court.



12. Accordingly, the criminal revision, being devoid of merit, is liable to be
and is hereby **dismissed**.

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

Abhishek