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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 331 of 2024**

Dhaneshwari Dhruw Wife Of Rajesh Salam, Daughter Of Motiram Aged About 27 Years Resident Of Village Muskera, P.S. And Tahsil Gurur, Dist.- Balod, Present Address- Village Charota, Tahsil Kurud, Dist. Dhamtari, C.G.

... Applicant**versus**

Rajesh Salam Son Of Jaituram Salam Aged About 30 Years Resident Of Muskera, P.S. And Tahsil Gurur, Dist.- Balod C.G.

... Respondent

For Applicant : Mr. Ritesh Sharma, Advocate.

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

1. This criminal revision has been filed by the applicant being aggrieved with the impugned order dated 14.02.2024 passed by the learned Judge, Family Court, Dhamtari, District – Dhamtari (C.G.) in Misc. Criminal Case No.112/2022, whereby the learned Family Court has rejected the maintenance application of the applicant/wife.
2. The brief facts of the case is that the applicant is the legally wedded wife of the respondent. Their marriage was solemnized on 05.06.2021 at Village Charota according to religious rites and customs. After marriage, the applicant resided with the respondent at his matrimonial home for some time. Thereafter, the respondent left the applicant at the matrimonial home and went to his workplace at Village Puri. When the applicant



requested him to take her along, the respondent became angry, used abusive and filthy language, and assaulted her. Whenever the respondent returned home from his workplace, he used to quarrel with the applicant on trivial issues, particularly regarding her mobile phone usage, and falsely alleged illicit relationships. The respondent and his family members subjected the applicant to continuous physical and mental cruelty by abusing her for minor mistakes. The respondent, having a strong influence in the caste society, pressurized the applicant to dissolve the marriage by mutual consent in the presence of community members. Owing to such cruelty, the applicant is presently residing at her parental home and is entirely dependent upon her aged parents, who are barely able to provide for their own subsistence. The respondent/husband denied the allegations made by the applicant; however, he admitted that he is working as a Village Health Officer and is earning a monthly salary of approximately Rs.30,000/-. He also owns agricultural land from which he earns approximately Rs.1,00,000/- to Rs.2,00,000/- per annum. The learned Family Court has wrongly appreciated the evidence on record and rejected the maintenance claim of the applicant by placing undue reliance on the version of the respondent. The learned Court failed to consider that the applicant has no independent source of income and is fully dependent on her aged parents. Being the legally wedded wife, the applicant is entitled to live with dignity and in accordance with the status of her husband, but her lawful claim for maintenance has been rejected on erroneous and unsustainable grounds. Being aggrieved by the impugned order passed by the learned Judge, Family Court, Dhamtari, the applicant herein prefers the present revision petition.

3. Learned counsel appearing for the applicants submits that the impugned order passed by the learned Judge, Family Court, is contrary to law and



facts and is therefore unsustainable. The appreciation of pleadings and evidence by the learned Family Court is erroneous and contrary to the settled principles of law. The applicant/wife is entitled to live with dignity in accordance with the status of her legally wedded husband, and it is the statutory as well as moral duty of the husband to maintain his wife. The applicant is presently residing with her aged parents, who can barely afford their own sustenance and have already exhausted their lifetime savings in solemnizing the marriage of their daughter. The applicant is a young woman and has been deserted by the respondent without any reasonable or lawful cause. The learned Family Court failed to properly consider the material contradictions and omissions in the respondent's evidence, which go to the root of the matter. It is an admitted fact that the respondent is working as a Village Health Officer and also owns agricultural land, and is therefore financially capable of paying at least Rs.15,000/- per month towards maintenance. The learned Family Court committed a grave error in rejecting the applicant's claim by wrongly invoking the provisions of Section 125(4) of the Cr.P.C., which has been misapplied in a biased and erroneous manner. The learned Family Court has erred in law and on facts in rejecting the legitimate claim of the applicant for maintenance.

4. I have heard learned counsel for the applicant, perused the impugned order, pleadings and documents appended thereto.
5. Considering the submissions advanced by the learned counsel for the applicant, and from the perusal of the impugned order passed by the learned Family Court, it transpires that after hearing all the statements of the witnesses and perusing the evidence available on record, the learned Family Court has passed the impugned order, and there is no any illegality and infirmity while passing the same which requires interference



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by this Court.

6. Accordingly, the present revision, being devoid of merit, is liable to be and is hereby **dismissed**.
7. Let the certified copy of the this order be sent to the concerned trial Court for necessary compliance and follow up action, if any.

Sd/-
(Ramesh Sinha)
Chief Justice

Preeti