



2026:CGHC:4203

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 392 of 2024

1. Smt. Preeti Shukla Wife Of Prashant Shukla Aged About 33 Years Resident Of Village Padaniya, Near Sarvmangala Mandir, Post Padaniya, Police Station Kusmunda, Tahsil Katghora, Dist. Korba, C.G.
2. Awani Shukla Daughter Of Prashant Shukla Aged About 7 Years Minor Through Natural Guardian Mother Smt. Preeti Shukla, Resident Of Village Padaniya, Near Sarvmangala Mandir, Post Padaniya, Police Station Kusmunda, Tahsil Katghora, Dist. Korba, C.G.

... Applicants**versus**

Prashant Shukla Son Of Raju Prasad Shukla Aged About 38 Years Resident Of Village Pali, Padaniya, Near Sarvmangala Mandir, Post Padaniya, Police Station Kusmunda, Tahsil Katghora, Dist. Korba, C.G.

... Non-Applicant

For Applicants : Mr. N.K. Chatterjee, 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 26.02.2024 passed by the learned Additional Principal Judge, Family Court, Janjgir, District – Janjgir-Champa (C.G.) in Misc. Criminal Case No.96/2023, whereby the learned Family Court has rejected the maintenance application of the applicant No.1/wife and directed the husband to pay amount of Rs. 2,500/- per month to applicant No.2.

2. The brief facts of the case is that an application under Section 125 of the Code of Criminal Procedure was filed by the applicants, who are the wife and minor child of the non-applicant, seeking grant of maintenance. It was pleaded by the applicants that it is an admitted fact that the applicant No.1 and the non-applicant were married according to Hindu customs on 05.03.2016 at Sharda Mangalam. Out of the said wedlock, one daughter, namely applicant No.2, was born on 30.01.2017. It was further pleaded that during the pregnancy of applicant No.1, the husband and his family members subjected her to physical assault and abuse. The husband frequently quarrelled with the applicant and refused to bear the expenses of delivery, insisting that she call her father and go to her parental home. Due to continuous harassment, the applicant informed her father about the condition of her matrimonial home, whereupon her father took her to the parental home. Thereafter, the applicant was admitted to the hospital, and applicant No.2 was born on 30.01.2017. The birth of the child was duly informed to the husband and his family members; however, they did not visit the applicant or the child. Consequently, the Chhatthi ceremony of the child was performed by the applicant's father. When the child attained the age of about two years, the husband visited the parental home of the applicant in November 2019 to take her back. It was also stated in the application that the husband is working at NTPC, Korba, and earns approximately Rs.30,000/- per month. It was further pleaded that the father of the husband is a regular employee of SECL and earns about Rs.70,000/- per month. The husband also owns a residential house in the village, which has been let out on rent, earning approximately Rs.10,000/- per month. The applicant further stated that she is completely dependent on agriculture and that the financial condition of her father is weak, due to which she is facing severe financial hardship.

- 3.** The husband filed his reply denying all the allegations made against him. He stated that after marriage, the parties were residing separately at Shakti Nagar, Deepka. He further claimed that when the parents of the applicant came to take her, they left amicably. He alleged that when he later went to bring her back, the applicant, along with her parents and relatives, refused and threatened him. He also stated that the applicant is an educated woman earning about Rs.12,000/- per month and therefore not entitled to maintenance. The husband further claimed that he is unemployed and entirely dependent upon his father, though he expressed willingness to keep the applicant, which she allegedly refused. The learned Trial Court, after considering the evidence on record, passed the impugned order dated 26.02.2024, partly allowing the application by granting maintenance of ₹2,500/- per month to the minor child and rejecting the claim of maintenance of the wife. Being aggrieved by the said order, the present revision is preferred.
- 4.** Learned counsel appearing for the applicants submits that the impugned order passed by the learned Family Court is improper and unsustainable in law, as the learned Court has failed to properly appreciate the material available on record and has wrongly disallowed the claim of applicant No.1 (wife). On this ground alone, the impugned order, insofar as it relates to applicant No.1, deserves to be set aside. After the marriage, the applicant came to know that the husband is a habitual drunkard. In her affidavit filed under Order XVIII Rule 4 of the Code of Civil Procedure, the applicant specifically stated that during her pregnancy, on 30.11.2016, the husband and his parents assaulted her, confined her in a room, and categorically refused to bear the expenses of her delivery. She was compelled to call her parents, and upon witnessing the situation, her father took her to the parental home. It was further stated in the affidavit

that the child was born on 30.01.2017 and that despite being informed of the birth, neither the husband nor his family members visited the applicant or the child, nor did they participate in the Chhatthi ceremony. The applicant also stated that the husband and his father, under the influence of alcohol, frequently used filthy language and subjected her to ill-treatment. Owing to such continuous cruelty, the applicant informed her father of the entire situation, whereafter her father came to the matrimonial home and took her back. It was further stated that even on 06.12.2019, neither the husband nor his family members made any effort to enquire about the welfare of the applicant or the child, nor did they attempt to bring the applicant back to the matrimonial home. The applicant further stated that the husband is working as a labourer at NTPC, Korba, and is earning approximately Rs.30,000/- per month. The statements made by the applicant in her affidavit were duly corroborated by the witnesses examined on her behalf, who fully supported her version. In view of the un rebutted evidence adduced by the applicant, the learned Family Court ought to have allowed the application and granted maintenance to the applicant No.1. The learned Family Court failed to consider the facts and circumstances of the case in their proper perspective, resulting in grave miscarriage of justice. Therefore, the impugned order passed by the learned Family Court, insofar as it relates to the rejection of the maintenance claim of the wife, deserves to be set aside and the revision preferred by the applicant deserves to be allowed.

5. I have heard learned counsel for the applicant, perused the impugned order, pleadings and documents appended thereto.
6. 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 by this Court.

7. Accordingly, the present revision, being devoid of merit, is liable to be and is hereby **dismissed**.
8. 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