



2026:CGHC:15107

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 437 of 2026**

Aasman Kashyap S/o Harchand Kashyap Aged About 30 Years R/o Khaspara, Ghat Dhanora, Ghat Sargipal, P.S. Badanji, District- Bastar, Chhattisgarh.

... Applicant**versus**

Smt. Dinamani Kashyap D/o Gautam Kashyap W/o Aasman Kashyap Aged About 29 Years R/o Village Bade Aamabaaal Khariyapara Bastar, P.S. Bhaanpuri, District- Bastar, Chhattisgarh.

... Non-applicant

For Applicant : Mr. Ashish Gangwani, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****01.04.2026**

1. This criminal revision has been filed by the applicant with the following prayer:

"It is therefore, most humbly prayed that this Hon'ble Court may kindly be pleased to modified/set-aside the vide order dated 06.02.2026 passed by the Judge, Family Court, Bastar, District- Jagdalpur (C.G.) in M.J.C No. 97/2025, wherein it was held by the



court that while partly allowing application under section 144 of Bhartiya Nagrik Suraksha Sanhita, 2023 maintenance amount of Rs. 3000/- per month is granted to the non-applicant/wife from the date of the application for interim- maintenance; and the instant Criminal Revision for waiving off the Maintenance amount tune of Rs 3,000/- per or prays that the said amount be suitably reduced per month be allowed. This Hon'ble Court may kindly be pleased to pass any other order as it may deem fit, in the interest of justice."

2. The facts of the case, in brief, are that the present criminal revision has been preferred by the applicant/husband being aggrieved by the order dated 06.02.2026 passed by the learned Judge, Family Court, Bastar at Jagdalpur in MJC No. 97/2025, whereby the application filed by the non-applicant/wife under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been allowed and the applicant has been directed to pay maintenance of Rs.3,000/- per month from the date of application. The non-applicant/wife had filed the said application contending that her marriage with the applicant was solemnized on 15.01.2023 at Gayatri Pragya Peeth, Jagdalpur as per Hindu rites and customs, and after marriage she resided with the applicant at his matrimonial home, where initially their relations were cordial, however, after about ten months



disputes arose on account of alleged illicit relationship of the applicant with other women, followed by harassment, assault and demand of dowry, due to which she was compelled to leave the matrimonial home and reside with her parents; she further pleaded that she had no sufficient independent income and that the applicant was earning approximately Rs.20,000/- per month, and thus claimed maintenance. The applicant, in his reply, denied the entire allegations and even disputed the factum of marriage, alleging false implication and asserting that the non-applicant had illicit relations with another person; however, during trial, the non-applicant examined herself and other witnesses in support of the marriage and cohabitation, while the applicant examined himself and one witness denying the same. Upon appreciation of the evidence, including the testimony of witnesses and the marriage certificate issued by Gayatri Parivar, Jagdalpur, the learned Family Court held that the marriage between the parties was duly established and that the non-applicant was residing separately for sufficient cause, and further held that despite her earning a nominal amount, she was entitled to maintenance, and that the applicant had failed to rebut his earning capacity, accordingly, the learned Family Court allowed the application and awarded maintenance of Rs.3,000/- per month to the non-applicant. Being aggrieved by the said order, the applicant has preferred the present revision.

3. Learned counsel for the applicant submits that the impugned order dated 06.02.2026 passed by the learned Judge, Family Court, Bastar at Jagdalpur in MJC No. 97/2025 is contrary to law, facts



and evidence on record and suffers from serious illegality and perversity, and is therefore liable to be set aside. It is contended that the learned Family Court has gravely erred in holding that the marriage between the parties stands proved despite the non-applicant having failed to establish the factum of marriage by cogent and reliable evidence, inasmuch as the alleged marriage certificate issued by Gayatri Pragya Peeth, Jagdalpur was seriously disputed by the applicant and was not proved in accordance with law, nor was the issuing authority examined, and mere production of such document cannot be treated as conclusive proof of marriage. It is further submitted that the burden to prove a valid marriage was upon the non-applicant, which she failed to discharge, and the learned Court below has misread and misinterpreted the evidence, ignoring material contradictions and admissions made by the non-applicant during cross-examination, as well as the defence evidence which clearly established that the parties never lived together as husband and wife. He further submits that the non-applicant is residing separately without sufficient cause and therefore is not entitled to maintenance, and the learned Family Court has also failed to properly assess the earning capacity of the applicant, who is a daily wage labourer without any fixed source of income, and has arbitrarily presumed his income without any supporting evidence, while also ignoring the admitted fact that the non-applicant herself is earning approximately Rs.5,000/- per month. It is further contended that the essential ingredients for grant of maintenance, including proof of valid



marriage and neglect or refusal to maintain, have not been established, and the learned Court below has failed to apply the settled principles laid down by the Hon'ble Supreme Court in Rajnish vs. Neha (2021) 2 SCC 324 regarding determination of maintenance. It is thus submitted that the impugned order has been passed without proper appreciation of evidence and settled legal principles, suffers from non-application of mind, and therefore deserves to be set aside by this Hon'ble Court in exercise of its revisional jurisdiction.

4. I have heard learned counsel for the applicant, perused the pleadings and documents appended thereto.
5. From the perusal of the impugned order, it transpires that the learned Family Court has rightly appreciated the pleadings and evidence adduced by both the parties and has passed a well-reasoned and legally sound order. The finding of the learned Court below with regard to the existence of a valid marriage is based upon proper appreciation of oral and documentary evidence, including the testimony of the non-applicant and her witnesses as well as the marriage certificate issued by Gayatri Parivar, Jagdalpur, which sufficiently establishes the matrimonial relationship between the parties. The learned Family Court has also rightly concluded that the non-applicant was residing separately for sufficient cause in view of the allegations of harassment and ill-treatment, which remained unrebutted in material particulars. Further, the Court below has judiciously assessed the financial position of both parties and, despite the claim of higher income, has awarded a modest and



reasonable sum of Rs.3,000/- per month towards maintenance, taking into account the earning capacity of the applicant as well as the limited income of the non-applicant. The impugned order thus reflects due application of judicial mind, proper appreciation of evidence, and adherence to settled principles of law governing maintenance.

6. Considering the submission advanced by the learned counsel for the applicant and perusing the impugned order and the finding recorded by the learned Family Court, I am of the view that the Family Court has not committed any illegality or infirmity or jurisdictional error in the impugned order warranting interference by this Court.
7. Accordingly, the criminal revision, being devoid of merit, is liable to be and is hereby **dismissed**.
8. Let a certified copy of this order be transmitted to the trial Court concerned forthwith for necessary information and compliance.

Sd/-
(Ramesh Sinha)
Chief Justice

Rahul Dewangan