



2026:CGHC:15108

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 436 of 2026**

Pawan Singh S/o Vishwanath Aged About 38 Years R/o Village- Semardarri Jamunahipara, Police Station And Tahsil- Marwahi, District Gourela-Pendra-Marwahi (C.G.)

... Applicant**versus**

Smt. Durga W/o Pawan Singh Aged About 35 Years R/o Village- Bundeli, Police Station- Jhagrakhand, Tahsil- Manendragarh, District- M.C.B. (C.G.)

... Non-applicant

For Applicant : Ms. Divya Sahu, 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 respectfully prayed that this Hon'ble Court may kindly be pleased to allow the revision and further be pleased to set-aside/reduce the impugned order dated 09.02.2026 (Annexure A-1) passed by the learned Judge, Family Court, Manendragarh,



*District - M.C.B. (C.G.) in Miscellaneous
Criminal Case No. 199/2025, in the interest of
justice.”*

2. The facts of the case, in brief, are that the non-applicant/wife filed an application under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023, stating that her marriage with the applicant/husband was solemnized about 14 years ago at Village Bundeli, Police Station Jhagrakhand, District M.C.B. (C.G.), and after marriage she resided at her matrimonial home; however, for the last three years, the applicant allegedly started abusing and assaulting her under the influence of alcohol, and despite complaints made to Police Station Marwahi and intervention by the Gram Panchayat, his behavior did not improve, and in the year 2023, she was allegedly beaten and driven out of the matrimonial home, since when she has been residing with her father. The non-applicant further claimed that the applicant earns approximately Rs.20,000/- per month from vegetable business and also has agricultural income from about 12 acres of land, and sought maintenance of Rs.8,000/- per month. The applicant, in his reply, denied all allegations of cruelty, addiction, and income, contending that the non-applicant left the matrimonial home on her own under the influence of her relatives, that he is willing to keep and maintain her, and that he does not possess the alleged income or property, stating that only about one acre of land stands in the name of his mother. After hearing both parties, the learned Family Court awarded maintenance of Rs.3,000/- per month to the non-applicant,



which is stated to be excessive by the 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 09.02.2026 (Annexure A-1) passed by the learned Family Court is illegal, perverse and not sustainable in the eyes of law, and therefore liable to be set aside or suitably reduced. It is contended that the learned Family Court has failed to properly appreciate the facts and evidence on record, inasmuch as the non-applicant has not produced any cogent or reliable evidence to substantiate the allegations of cruelty, assault or habitual intoxication against the applicant, and the findings have been recorded merely on the basis of uncorroborated and unsubstantiated allegations without any independent witness or documentary proof. It is further submitted that the learned Family Court has erred in not considering that the applicant had expressed his willingness to keep and maintain the non-applicant, however, she has been residing separately without any justifiable cause, thereby disentitling herself from claiming maintenance. She further submits that the Court below has failed to assess the actual financial capacity of the applicant, as there is no material on record to establish that the applicant earns Rs.20,000/- per month or owns 12 acres of agricultural land, and in fact, the agricultural land stands in the name of his mother, from which the applicant derives no independent income. It is also submitted that the impugned order has been passed without proper appreciation of pleadings and evidence and without due consideration of the applicant's financial condition, resulting in fixation of an excessive



and arbitrary amount of maintenance, hence, the impugned order being contrary to law and facts on record, deserves to be set aside or suitably modified by this Hon'ble Court.

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 justified order. The allegations made by the non-applicant/wife regarding cruelty, assault and neglect by the applicant/husband, coupled with the fact that she has been residing separately since the year 2023, were duly taken into consideration by the Court below, and there is nothing on record to show that she is living separately without sufficient cause. The learned Family Court has also appropriately assessed the financial capacity of the applicant and, instead of granting the higher amount as claimed, has awarded a reasonable and modest sum of Rs.3,000/- per month towards maintenance, which cannot be said to be excessive by any stretch of imagination. The impugned order thus reflects proper application of judicial mind, is based on sound reasoning.
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



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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