



2026:CGHC:17933



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 519 of 2026**

Vindumadhav Shukla S/o Raghavendra Prasad Shukla Aged About 46 Years
Occupation- Central Govt Indian Naval Armament Service (INAS) Officer,
Presently Working As Additional General Manager In Naval Armament
Depot, Visakhapatnam, Permanent Resident Village- Sudwar, District- Sidhi
(M.P.), Presently Resided At C. No. 0382 (As Per Order Sheet) Actually
Residing At P- 205/2, NAD Colony, NAD Post Office, Visakhapatnam,
Andhra Pradesh, Pin- 530009 (Non- Applicant)

...Applicant**versus**

1. Shrimati Aarti Shukla W/o Vindumadhav Shukla Aged About 42 Years
R/o C/o Shri Vishnu Dutt Mishra, House No.- 10, Sharda Colony, Near
Piyush Colony, Amlidih, Raipur, District- Raipur (C.G.), Present Address-
Flat No.- 302, Block A, Empressia Elite- 2, Near Shri Venkatesh Hospital,
Devpuri, Raipur, District- Raipur (C.G.) (Applicants)
2. Vedika Shukla D/o Vindumadhav Shukla Aged About 17 Years Minors
Through Natural Guardian Mother Shrimati Aarti Shukla, R/o C/o Shri
Vishnu Dutt Mishra, House No.- 10, Sharda Colony, Near Piyush Colony,
Amlidih, Raipur, District- Raipur (C.G.), Present Address- Flat No.- 302,
Block A, Empressia Elite- 2, Near Shri Venkatesh Hospital, Devpuri,
Raipur, District- Raipur (C.G.) (Applicants)
3. Aryan Shukla S/o Vindumadhav Shukla Aged About 13 Years Minors
Through Natural Guardian Mother Shrimati Aarti Shukla, R/o C/o Shri
Vishnu Dutt Mishra, House No.- 10, Sharda Colony, Near Piyush Colony,
Amlidih, Raipur, District- Raipur (C.G.), Present Address- Flat No.- 302,
Block A, Empressia Elite- 2, Near Shri Venkatesh Hospital, Devpuri,
Raipur, District- Raipur (C.G.) (Applicants)

... Respondent(s)

For Applicant : Mr. Sanjay Kumar Agrawal, Advocate.

**Hon'ble Mr. Ramesh Sinha, Chief Justice****Order on Board****20.04.2026**

1. Heard on I.A. No. 01/2026, which is an application for condonation of delay of 11 days in filing the instant revision.
2. For the reasons mentioned in the application I.A. No. 01/2026 i.e. application for condonation of delay, the same is allowed and delay is condoned. With the consent of learned counsel for the applicant, the criminal revision is finally heard.
3. This criminal revision has been filed by the applicant being aggrieved with the impugned order dated 12.12.2025 passed by the learned Principal Judge, Family Court, Raipur, District - Raipur, (C.G.) in Criminal MCC No. - 1376/2024, whereby the learned Family Court has partly allowed the application for maintenance and they have granted maintenance amount of Rs. 60,000/- per month in total Rs.30,000/- to wife/respondent No.1 and Rs. 15,000/- each to children.
4. The facts of the case, in brief, is that the applicant and respondent No.1 are husband and wife, respectively. The marriage between the parties was solemnized on 29/01/2008 at Raipur in accordance with the customs and traditions. At the time of marriage, the applicant was posted at NAD Mumbai; therefore, after marriage, both parties resided together in Mumbai till 31/10/2011. During this period, a daughter was born on 20/12/2008. During their stay in Mumbai, a plot adjacent to the parental house of respondent No.1 was purchased by the applicant, at the instance of respondent No.1, in her name, measuring approximately 1500 sq. ft., for a total sale consideration of Rs.9,07,500/-. Out of the said amount, Rs.1,82,500/- was paid from the account of respondent No.1, Rs.1,75,000/- was paid from the applicant's account, and the remaining



Rs.5,50,000/- was obtained through a loan taken in the joint account of the applicant and respondent No.1. The entire repayment of the said loan was made by the applicant. On 31/10/2011, the applicant was transferred from Mumbai to NAD Alwaye, Ernakulam, where he remained posted till March 2018. During this period, on 28/08/2012, a son was born to the parties. Further, on 15/06/2015, another plot was purchased in the name of respondent No.1 for a sale consideration of Rs.4,59,400/-, out of which Rs.3,00,000/- was arranged through a loan taken from the joint account of the applicant and respondent No.1, and the entire repayment of the said loan was also made by the applicant. On 13/03/2018, the applicant was transferred from Alwaye, Ernakulam to NAD Visakhapatnam, where he remained posted till 04/02/2023. It is submitted that on 04/02/2022, disputes arose between the applicant and respondent No.1 after the applicant came to know about the alleged extramarital relationship of respondent No.1 with one Dr. Chandra Mukesh Dhavade. Despite repeated requests and efforts made by the applicant to resolve the matter, respondent No.1 continued with the said relationship, and the dispute could not be amicably settled. Thereafter, when the matter could not be resolved, the applicant and respondent No.1 jointly filed a petition for mutual divorce before the Family Court at Visakhapatnam on 13/05/2022, which remained pending till February 2023. Subsequently, the applicant was transferred on 04/02/2023 to Port Blair. Thereafter, respondent No.1 withdrew the mutual divorce petition on 09/02/2023. In pursuance of the transfer order dated 04/02/2023, the applicant requested respondent No.1 to accompany him to Port Blair; however, she refused to do so. Consequently, the applicant joined his duties at Port Blair alone and made necessary arrangements for the residence of respondent No.1 and the children at Visakhapatnam. During this period, the applicant regularly



visited Visakhapatnam from Port Blair and made efforts to amicably resolve the dispute and requested respondent No.1 to discontinue the alleged extramarital relationship; however, respondent No.1 refused, and the mental cruelty upon the applicant continued.

5. In view of the aforesaid facts and circumstances, the applicant filed a divorce petition on 25/08/2023 before the Family Court at Visakhapatnam under Section 13 of the Hindu Marriage Act, 1955, seeking dissolution of marriage on the ground that respondent No.1 is living in adultery with the aforesaid person, who has been impleaded as respondent No.2 in the said petition. It has also been contended that the acts of respondent No.1 have caused mental cruelty to the applicant. While the applicant was posted at Port Blair and nearing completion of his tenure, on 12/10/2024, respondent No.1 left Visakhapatnam along with the children, taking household articles and jewellery, and shifted to Raipur, where her parental home is situated and where the said person is also stated to reside. Thereafter, respondent No.1 filed Transfer Petition (Civil) No.3312/2024 before the Hon'ble Supreme Court of India, wherein, vide order dated 16/12/2024, further proceedings in the divorce petition were stayed. On 06/01/2025, the applicant filed an application under the Guardians and Wards Act, 1890 before the Family Court at Visakhapatnam seeking custody of the children. The applicant continued at Port Blair till 17/06/2025 and was thereafter transferred back to Visakhapatnam, where he joined on 29/06/2025 and is presently residing in official accommodation. The applicant appeared before the Hon'ble Supreme Court, and vide order dated 26/02/2026, the matter was referred for mediation. The transfer petition and mediation proceedings are presently pending. In the meantime, the respondents filed an application under Section 144 of the Bharatiya Nagarik Suraksha



Sanhita, 2023 seeking maintenance, making false and baseless allegations regarding the conduct and nature of the applicant. In the said proceedings, the applicant was proceeded ex parte vide order dated 16/10/2025 on the basis of alleged WhatsApp communication, without proper service of notice. Thereafter, vide order dated 12/12/2025, the learned Family Court awarded maintenance of Rs.60,000/- per month (Rs.30,000/- to respondent No.1 and Rs.15,000/- each to the two children), which is excessive, arbitrary, and contrary to law. Subsequently, the applicant received notice dated 19/03/2026 regarding execution of the said maintenance order issued by the Family Court at Raipur. The learned Family Court has committed a grave error in law and fact by failing to properly appreciate the documentary and oral evidence on record, rendering the impugned order illegal, arbitrary, and unsustainable in law. Hence, the present application.

6. Learned counsel appearing for the applicant submits that the learned Family Court failed to appreciate that the respondent No.1, without any sufficient cause, has left the matrimonial home and is living separately, hence, she is not entitled to any maintenance. The learned Family Court further failed to appreciate that in the divorce petition filed by the applicant under Section 13 of the Hindu Marriage Act, 1955, it has been specifically pleaded that respondent No.1 is living in adultery with another person. The said proceedings are presently stayed in a transfer petition pending before the Hon'ble Supreme Court of India and are referred for mediation. In view of the settled legal position, a wife living in adultery is not entitled to maintenance. The learned Family Court failed to consider that respondent No.1 deliberately suppressed material facts, including the filing of a transfer petition before the Hon'ble Supreme Court, thereby not approaching the Court with clean hands, and hence is not entitled to any



relief. It is a settled proposition of law, as laid down in various judgments of the Hon'ble Supreme Court and different High Courts, that a wife living in adultery is not entitled to maintenance. The learned Family Court committed a grave error in not considering that respondent No.1 is living an adulterous life and has voluntarily chosen to reside separately without any sufficient cause; therefore, she is not entitled to maintenance. The learned Family Court failed to appreciate that respondent No.1 did not disclose in her application the immovable properties purchased in her name in the years 2010 and 2015, which are material facts relevant for adjudication of maintenance. Respondent No.1 also suppressed the fact that, on 12/10/2024, while the applicant was posted at Port Blair, she left Visakhapatnam along with the children, taking all household articles and jewellery, and relocated to Raipur, where her parental home is situated.

7. He further submits that the learned Family Court erred in proceeding ex parte against the applicant vide order dated 16/10/2025 merely on the basis of an unsubstantiated statement made by respondent No.1 regarding alleged WhatsApp communication, without ensuring proper and valid service of notice upon the applicant. The said action is illegal, perverse, and contrary to the provisions of law. The learned Family Court failed to appreciate that the allegations made by respondent No.1 are false, vague, and baseless, and in fact amount to mental cruelty upon the applicant. The learned Family Court further failed to consider that despite knowledge of the applicant's posting at Port Blair, respondent No.1 intentionally mentioned incorrect addresses in the cause title, thereby ensuring that proper service of notice was not effected. Consequently, the applicant was wrongly proceeded ex parte. The learned Family Court failed to consider that respondent No.1 is professionally qualified and capable of earning, and is in fact earning sufficient income, however, her



income was not taken into consideration while determining the maintenance amount. The application for maintenance has been filed only after receipt of notice of the divorce petition and is clearly a counterblast to the proceedings initiated by the applicant, with an intent to harass him. In view of the facts and circumstances of the case, as well as the oral and documentary evidence on record, it is evident that respondent No.1 has sufficient means to maintain herself and the children. Therefore, the impugned order deserves to be quashed and set aside.

8. I have heard learned counsel for the applicant, perused the pleadings and documents appended thereto.
9. 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, and considering the conditions of both the parties, 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.
10. Accordingly, the present revision being devoid of merit, is liable to be and is hereby **dismissed**.
11. Let a copy of this order be transmitted to the Family Court concerned for necessary information and compliance.

Sd/-
(Ramesh Sinha)
Chief Justice