



2026:CGHC:17276



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 474 of 2026

Swapnesh Sonkusre S/o Shri Shyam Rao Sonkusre, Aged About 40 Years, R/o A-1, Vidya Vihar Colony, Infront of Matoshree Niwas, Maharaja Chowk Road, Durg, Tehsil and District- Durg (C.G.)

... Applicant

versus

Devanshi (Minor) D/o Swapnesh Sonkusre Aged About 3 Years Through Lr Mother Smt. Kajal Jhamani Sonkusre W/o Swapnesh Sonkusre R/o LIG - 491, Padmnabhpur, Durg, Tehsil and District- Durg (C.G.)

... Respondent

For Applicant : Mr. Amiyakant Tiwari, Advocate.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

15.04.2026

1. This criminal revision has been filed by the applicant being aggrieved with the impugned order dated 28.01.2026 passed by the learned First Additional Principal Judge, Family Court, Durg (C.G.) in MJC Cri. No.1432/2025, whereby the learned Family Court has dismissed the objection made by the applicant upon the applicant under Section 144(3) of BNSS for the recovery of amount of interim maintenance allowance to the tune of Rs. 3,20,000/- and also being aggrieved by the impugned order dated 19.02.2026 wherein learned Family Court, Durg allowed the application for deduction of amount of interim maintenance from the bank account of the applicant and the same has to be deposited in the bank account of the mother of the respondent.



2. The brief facts of the case is that the applicant and the legal representative of the present respondent, i.e., her mother, are legally wedded husband and wife. Their marriage was solemnized on 01.09.2017 at Raipur (C.G.). Out of the said wedlock, the present respondent was born on 30.12.2022. The respondent along with her mother filed an application under Section 144 of the BNSS before the Learned Family Court, Durg, registered as MJC Cri. No. 939/2024. It was stated therein that after marriage, the Petitioner and his wife lived together, but due to strained relations, the wife left her matrimonial home on 12.03.2023 and started residing at her parental home at Padmanabhpur, Durg, along with the minor child (present respondent), and has not returned thereafter. The Learned Family Court, Durg, vide order dated 07.11.2025 in MJC Cri. No. 939/2024, partly allowed the application under Section 144(2) of the BNSS and granted interim maintenance of Rs. 20,000/- per month in favour of the present respondent. On 15.11.2025, the respondent filed an application under Section 144(3) of the BNSS for recovery of interim maintenance arrears amounting to Rs. 3,20,000/- before the Learned Family Court, Durg, which was registered as MJC Cri. No. 1432/2025. On 28.01.2026, the applicant filed objections stating that the respondent had misinterpreted the order dated 07.11.2025, which provided interim maintenance of Rs. 20,000/- per month from the date of filing of the application for a period of six months or till final disposal, whichever is earlier. Accordingly, the total payable amount for six months was Rs. 1,20,000/-. The learned Family Court, Durg, vide impugned order dated 28.01.2026 in MJC Cri. No. 1432/2025, misinterpreted its earlier order dated 07.11.2025 and held that the Petitioner is liable to pay interim maintenance not only for the initial period but also for six months from the date of the order.



Accordingly, the objections of the applicant were rejected. Thereafter, on 19.02.2026, the respondent filed an application seeking deduction of the maintenance amount directly from the applicant's salary and its transfer to the bank account of the respondent's mother. The Learned Family Court, Durg, vide impugned order dated 19.02.2026, directed the employer of the applicant to deduct Rs. 25,000/- in monthly installments and a final installment of Rs. 20,000/-, totalling Rs. 3,20,000/-, from the applicant's salary and transfer the same to the bank account of the Respondent's mother. The employer was further directed to submit compliance reports periodically. The impugned orders dated 28.01.2026 and 19.02.2026 were passed without granting the Petitioner a proper and effective opportunity of hearing and are based on a misinterpretation of the earlier order dated 07.11.2025. Hence, the said orders are illegal, arbitrary, and liable to be set aside.

3. Learned counsel appearing for the applicant submits that the impugned orders dated 28.01.2026 and 19.02.2026 passed by the Learned First Additional Principal Judge, Family Court, Durg are illegal, perverse, arbitrary, and contrary to law, and are therefore liable to be set aside. The Learned Family Court failed to appreciate and has misinterpreted its own order dated 07.11.2025 in MJC Cri. No. 939/2024, wherein it was observed that the interim maintenance application was partly allowed in favour of applicant No. 2 (present respondent), and the present applicant was directed to pay Rs. 20,000/- per month as interim maintenance for a period of six months from the date of filing of the application or till final disposal of the case, whichever is earlier, and the said order was made effective from the date of filing of the application. The impugned orders have been passed on an erroneous interpretation of the said order and are therefore liable to be set aside. The Learned Family Court failed to



consider the material fact that on 28.01.2026, the applicant had already deposited Rs. 20,000/- in the CCD account of the Learned Family Court, Durg towards compliance of the order dated 07.11.2025 in MJC Cri. No. 939/2024. This material fact was ignored while passing the impugned orders, rendering them unsustainable in law. The Learned Family Court ought to have considered the submissions and objections of the applicant and ought to have afforded him a fair and reasonable opportunity of hearing before passing the impugned orders. The direction for recovery of an amount of Rs. 3,20,000/- and its deduction from the applicant's salary would cause severe financial hardship and mental distress to the Petitioner and result in grave injustice.

4. I have heard learned counsel for the applicant, perused the impugned order, pleadings and documents appended thereto.

5. Vide order dated 08.04.2026, this Court had passed the following order:

“Learned counsel for the applicant submits that the applicant is ready and willing to deposit a sum of Rs. 3,20,000/- in compliance with the order dated 07.11.2025 passed by the concerned Family Court. It is further submitted that vide order dated 19.02.2026, the concerned Family Court directed recovery of the said interim maintenance amount of Rs. 3,20,000/- by way of deduction from the salary account of the applicant and transfer of the same to the bank account of the mother of the respondent. Learned counsel for the applicant prays that the operation of the order dated 19.02.2026 be kept in abeyance.

Considering the facts and circumstances of the case, the applicant is directed to comply with the order dated 07.11.2025 passed by the concerned Family Court by paying a sum of Rs. 3,20,000/- to the respondent by the next date of hearing. List the matter on 15.04.2026.”

6. However, despite the aforesaid undertaking and the specific direction issued by this Court, the applicant failed to deposit the said amount within the stipulated time. Accordingly, on this ground alone, the present revision petition is liable to be rejected and is hereby **rejected**.



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**

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