



2026:CGHC:18399



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 543 of 2026**

Manharan Das S/o Shivdas Aged About 42 Years R/o Village- Muchhel,
P.S. Chilfy, District- Mungeli, Chhattisgarh.

... Applicant(s)**versus**

1 - Smt. Kunwariya Bai W/o Manharan Das Aged About 38 Years R/o
Village- Karankapa, P.S. And Tahsil- Lalpur, District- Mungeli,
Chhattisgarh.

2 - Reena Manikpuri D/o Manharan Das Aged About 19 Years R/o
Village- Karankapa, P.S. And Tahsil- Lalpur, District- Mungeli,
Chhattisgarh.

... Non-applicant(s)

For Applicant : Mr. Vikas Kumar Pandey, Advocate.

For Non-applicants : None.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****22.04.2026**

1. By way of this revision, the applicant has prayed that this Court may kindly be pleased to allowed criminal revision and set-aside impugned order dated 13.02.2026 passed by the learned Family Court Mungeli, District Mungeli Chhattisgarh in Misc. Criminal Case



No. 118/2025 for granting maintenance amount of Rs. 3000/- may be reduced, in the interest of justice.

2. Brief facts of the case are that the non-applicants have filed an application under Section 125 of Cr.P.C. / Section 144 of B.N.S.S. seeking maintenance to the tune of Rs. 35,000/- per month from the applicant before the concerned Family Court with the intent that the applicant had solemnized marriage with non-applicant No. 1 according to Hindu customs approximately 20 years ago and since then, the non-applicant No. 1 resided with the applicant as his legally wedded wife in her matrimonial home. Out of the said wedlock, non-applicant No. 2 was born. As per the allegations made by non-applicant No. 1, after some time of marriage, the applicant and his family members started harassing and torturing her on account of insufficient dowry. It is further alleged that the applicant subjected her to physical assault (marpeet), used filthy language, and made unlawful demands for dowry with cruelty. Consequently, the non-applicant No. 1 left her matrimonial home and started residing at her parental house along with non-applicant No. 2. The non-applicant No. 1 has no independent source of income for her survival, whereas the applicant is working as a contractor (thekedar) and is allegedly earning about Rs. 12,00,000/- per annum, and further possesses agricultural land from which he earns approximately Rs. 15,00,000/- to Rs. 20,00,000/- annually. On these grounds, the non-applicants filed the application under Section 144 of B.N.S.S. claiming maintenance of Rs. 35,000/- per month from the applicant.



3. Upon issuance of notice, the applicant appeared and filed his reply, denying all the averments made in the application. It is stated that non-applicant No. 1 used to quarrel with the applicant without any reasonable cause and left the matrimonial home on her own accord. It is further submitted that the learned Family Court, vide order dated 14.11.2024, granted maintenance of Rs. 4,500/- per month (Rs. 3,000/- to non-applicant No. 1 and Rs. 1,500/- to non-applicant No. 2). Being aggrieved by the said order dated 14.11.2024, the applicant preferred an application under Section 146 of B.N.S.S. before the learned Family Court, Mungeli, Chhattisgarh. The learned Family Court, vide order dated 13.02.2026, partly allowed the said application by exonerating the applicant from paying maintenance of Rs. 1,500/- to non-applicant No. 2, however, it has been maintained the maintenance amount of Rs. 3,000/- per month in favour of non-applicant No. 1. Hence, this revision.
4. Learned counsel for the applicant submits that the impugned order passed by the learned Family Court is wholly illegal, erroneous, arbitrary and contrary to the evidence and material available on record. The learned Family Court has failed to appreciate that the applicant never treated non-applicant No. 1 with cruelty and had always made sincere efforts to maintain cordial matrimonial relations, however, non-applicant No. 1, without any justifiable cause, voluntarily left the matrimonial home and has been residing separately. It is further submitted that non-applicant No. 1, after a long subsistence of marriage, abandoned the matrimonial home without sufficient reason and made no effort to resume cohabitation,



and therefore, she is not entitled to any maintenance. The learned Family Court has also erred in granting maintenance of Rs. 3,000/- per month in favour of non-applicant No. 1 without properly examining or establishing the actual income of the applicant, as no cogent evidence or documentary proof regarding the applicant's income was produced by the non-applicants. It is further submitted that the financial condition of the applicant is extremely weak, rendering him incapable of paying the awarded maintenance. The learned Family Court has passed the impugned order in a mechanical and arbitrary manner without due consideration of the material facts and settled principles of law. It is also submitted that prior to filing of the application under Section 144 of B.N.S.S., non-applicant No. 1 never lodged any complaint regarding alleged harassment, cruelty, or dowry demand against the applicant, which clearly indicates that the allegations are afterthoughts. In fact, non-applicant No. 1, being disinclined towards matrimonial life, intentionally left the matrimonial home and has been maintaining herself independently. It is further pertinent to mention that non-applicant No. 2 has already been denied maintenance by the learned Family Court concerned on account of her marriage. Therefore, the continuation of maintenance in favour of non-applicant No. 1 is unjustified and liable to be set aside. Hence, the impugned order deserves to be quashed.

5. I have heard learned counsel for the applicant, perused the impugned order and other documents appended with revision.



6. From perusal of the impugned order, it transpires that an application was filed under Section 125 of Cr.P.C. / Section 144 of B.N.S.S. before the learned Family Court by the non-applicants seeking maintenance to the tune of Rs. 35,000/- per month from the applicant. Upon appreciation of the pleadings, material available on record and overall facts and circumstances of the case, the learned Family Court vide order dated 14.11.2024 partly allowed the application and directed the applicant to pay Rs. 4,500/- per month as maintenance (Rs. 3,000/- to non-applicant No. 1 and Rs. 1,500/- to non-applicant No. 2). Thereafter, in proceedings under Section 146 of B.N.S.S., the learned Family Court, vide order dated 13.02.2026, partly allowed the application of the applicant and exonerated him from payment of maintenance to non-applicant No. 2 on account of her marriage, while affirming the maintenance of Rs. 3,000/- per month in favour of non-applicant No. 1. The said amount has been determined keeping in view the status of the parties, their earning capacity and the material available on record and the same cannot be said to be excessive or unreasonable.
7. Considering the submissions advanced by learned counsel for the applicant, perusing the documents appended with the revision and the findings recorded by the learned Family Court, this Court is of the considered view that the learned Family Court has properly appreciated the facts and evidence available on record and has not committed any illegality or irregularity in passing the impugned order. The findings recorded by the learned Family Court are just



and proper and do not call for any interference by this Court in exercise of revisional jurisdiction.

8. Accordingly, the revision being devoid of merit is liable to be and is hereby **dismissed**.
9. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance.

**Sd/-
(Ramesh Sinha)
Chief Justice**

Kunal