



2026:CGHC:18182

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 509 of 2026**

Birendra Kumar Sahu S/o Ramadhar Sahu Aged About 28 Years R/o Infront of Chikhli Government Press, Khairagarh Road, Rajnandgaon, District Rajnandgaon Chhattisgarh At Present Khairjhiti, Post Ghotwani, Tehsil And Police Station Dhamdha, District Durg Chhattisgarh

... Applicant**versus**

1. Shri Ramadhar Sahu S/o Late Shri Jivrakhan Sahu R/o Khairjhiti, Post Ghotwani, Tehsil And Police Station Dhamdha Durg, District Durg Chhattisgarh
2. Shri Shatrughan Lal Sahu S/o Shri Kriparam Sahu R/o Badaitola, Post Baldevpur, District - Khairagarh Chhattisgarh At Present R/o Naya Dhaba, Ward No. 4, Near Pond, Rajnandgaon, Tehsil And District Rajnandgaon Chhattisgarh

... Respondent

For Applicant : Mr. Navin Shukla, Advocate.

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****21.04.2026**

1. Heard Mr. Navin Shukla, learned counsel, appearing for the applicant.
2. The present revision has been filed by the applicant with the following prayer:

"It is therefore prayed that this Hon'ble Court may kindly be pleased to allow this revision and set aside the impugned order dated 25.02.2026 passed by the



*learned Judge, Family Court, Rajnandgaon, District-
Rajnandgaon (C.G.) in Civil Case No.
Unregistered/2006 in the case titled as "Birendra
Kumar Sahu Vs. Shri Ramadhar Sahu & Another"
(Annexure P/1), in the interest of justice."*

3. As per the application presented by the applicant, in brief, his marriage was solemnized on 13.05.2022 with Smt. Laxmi Sahu, a well-educated lady and the daughter of Respondent No. 2, with the consent of both families and in accordance with social rites and rituals. After the marriage, on the advice of the wife's parents, both husband and wife started living separately at Rajnandgaon, and since 06.09.2022, they have been residing separately from their respective families and leading their matrimonial life. After some time, the family members of the applicant's wife came to Rajnandgaon and started living at the applicant's house, and the applicant, by working, bore all their expenses. Thereafter, in April 2023, respondent No. 2, along with other family members, started pressurizing the applicant to claim a share in his father's property. As a result, on 07.04.2023, under such pressure, the applicant took his motorcycle to go and meet his father. Due to the late hour, mental stress, and pressure from his in-laws, the applicant met with an accident, as a result of which he was hospitalized and narrowly survived, whereas the pillion rider, who was a friend of the applicant, died in the said incident. At the time of the accident, the applicant's wife was pregnant. Prior to the arrival of the in-laws, both husband and wife were living happily together. On 29.04.2023, a daughter was born. However, the applicant's in-laws did not provide any assistance or treatment at the time of the accident and did not even respond to his calls. The applicant managed to get himself treated with the help of his



cousin brother. Till date, he has not fully recovered and is still undergoing treatment. Despite this condition, the applicant's wife, on the instructions of respondent No. 2 and her family members, sent a legal notice dated 16.08.2023 through an advocate, making false allegations against him. From a perusal of the said notice, it appears that the wife and her family members intend to extract money from the applicant and, by demanding a share in his father's property, aim to disrupt the applicant's family relations. The said notice also contains false allegations against the applicant's parents, to which the applicant has duly replied. Further, the applicant's wife has filed an application under Section 125 CrPC before the learned Family Court, Rajnandgaon, wherein the learned Court, vide order dated 31.05.2025, granted maintenance of Rs. 2,500/- per month. The wife has also lodged an FIR on 02.09.2024 under Sections 498A and 34 of the IPC against the applicant and his parents, and the said case is presently pending before the competent court at Rajnandgaon.

4. The applicant, being aggrieved and harassed by respondent No. 2, his wife, and her family members, was compelled to approach his father for a share in the property, during which he met with the aforesaid accident. As a consequence, the applicant has become disabled and is presently unable to earn his livelihood and is living a dependent life.
5. The learned Family Court, after appreciating the facts and documents available on record, has dismissed the application filed by the applicant. Hence, the present petition is being preferred against the order dated 25.02.2026 passed by the learned Family Court, Rajnandgaon (C.G.), on the following grounds.
6. Learned counsel for the applicant submits that the learned Court has erred both in law as well as on facts while passing the impugned order dated 25.02.2026. He submits that the learned Family Court has rejected



the application of the applicant on the ground that the applicant has demanded maintenance from his father-in-law, who is respondent No. 2, and that such a demand is against law, thereby holding the application to be not maintainable. The learned Family Court has failed to appreciate that the applicant has sought maintenance not only from his father-in-law but also from his own father, who is respondent No. 1 in the present petition. He also submits that the learned Family Court has failed to appreciate that under Section 125 CrPC, a son or daughter, whether legitimate or illegitimate, who is physically or mentally unfit, is entitled to claim maintenance from his or her father even after attaining majority, i.e., beyond the age of 18 years. Further, judicial pronouncements have, in exceptional circumstances, granted maintenance to a major son. The object of granting maintenance is to ensure that the wife and children are able to maintain a standard of living commensurate with that of the husband/father. Merely because a son attains the age of majority does not mean that he should be left to starve. The law only presumes that upon attaining majority, a person has the capacity to earn, but such presumption is rebuttable. He further submits that the learned Family Court has failed to appreciate that attainment of majority does not absolve the father of his obligation to maintain his son, particularly when the son is unable to maintain himself. The father cannot evade his responsibility solely on the ground that the son has attained majority. He also submits that the learned Family Court has failed to appreciate that, by way of the application under Section 144 of BNSS, the applicant is merely seeking a sum of Rs. 8,000/- per month from the respondents, namely his father and father-in-law, in order to meet his medical and daily expenses. He submits that the learned Family Court has failed to appreciate that prior to the accident, the applicant was engaged in some



form of work to earn his livelihood, however, after the accident, he is facing difficulty in performing any kind of physical work. Learned Family Court has failed to appreciate that the applicant and his wife were living separately from their families, and the applicant had taken proper care of his wife and in-laws when they came to reside with him. He submits that the learned Family Court has failed to consider that, as per the disability certificate dated 14.02.2026, the applicant suffers from 18% disability. Learned Family Court has failed to properly appreciate the pleadings, contentions, and documents placed on record by the applicant, and has mechanically rejected the application without due consideration, therefore, the same is liable to be set aside by this Hon'ble Court.

7. I have heard learned counsel for the applicant and perused the judgment of the learned Family Court.
8. Upon perusal of the impugned order, it transpires that the learned Family Court, after duly considering the pleadings, documents, and evidence adduced by the parties, rejected the application filed under Section 144 of the BNSS by the respondent. The Court held that, insofar as the claim for maintenance against his father (respondent No. 1) is concerned, a major son is entitled to claim maintenance from his parents through the Court only where he is unable to maintain himself due to any physical or mental incapacity. The Court further observed that under the Rights of Persons with Disabilities Act, 2016, only a disability of 40% or more is legally recognized as a benchmark disability and is considered to render a person functionally incapacitated. In the present case, as per the disability certificate produced by the applicant, he has been assessed with only 18% disability. Accordingly, the Court held that, prima facie, the application is not maintainable for registration and, therefore, rejected the same at the pre-registration stage.



9. Considering the submissions 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.
10. Accordingly, the criminal revision being devoid of merit is liable to be and is hereby **dismissed**.

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

Abhishek