



2025:CGHC:38881



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 586 of 2023

Smt. Mohini Jaiswal W/o Shri Hemant Jaiswal Aged About 29 Years R/o Village Dhaneli Nipanya, P.S. And Tahsil Bhatapara (Rural), District - Balodabazar-Bhatapara Chhattisgarh.

... Applicant(s)

versus

Hemant Jaiswal S/o Late Shri Manoj Jaiswal Aged About 29 Years R/o Village Dhaneli Near Raipur Gaura Square, Tahsil Dharsiwa, District Raipur Chhattisgarh.

... Non-applicant(s)

For Applicant : Mr. Rakesh Kumar Manikpuri, Advocate.

For Non-applicant : Mr. Vijay Shankar Mishra, Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

05.08.2025

1. Heard Mr. Rakesh Kumar, learned counsel, appearing for the applicant. Also heard Mr. Vijay Shankar Mishra, learned counsel for the Non-applicant.
2. By way of this revision, the applicant has prayed for following relief:-

"It is therefore, prayed that this Hon'ble Court may kindly be pleased to allow the revision and modify the impugned order while granting the maintenance to the applicant, in the



interest of justice.”

3. Facts of the case are that the marriage between the applicant and non-applicant took place on 25.06.2019 according to Hindu rituals and customs. After the marriage, the applicant was residing at her matrimonial home. Soon after the marriage, the in-laws of the applicant started quarrels with the applicant. They used to demand dowry and used to exploit her and their behavior was of cruel nature. Therefore, the applicant has told her husband and her in-laws many times that, she belongs to a very poor family and her family members have already given the dowry as per their capacity. Her husband and in-laws used to beat her and kept her in starvation for days. The applicant and the non-applicant resided together for almost two years and during that period, the non-applicant/ husband and his family members made cruel treatment with the applicant/ wife. It is further alleged that the non-applicant- husband is a habitual drinker and in a drunk condition he made assault with the applicant/wife on 18.01.2020 as a result she received grievous injury over her face and eye therefore she visited Raipur Jain Hospital, Dist Raipur for her treatment on 20.01.2020. The social meeting was called on 14.11.2021 and 13.03.2022 wherein also the non-applicant and his family member given assurance that they will not harass the applicant towards the demand of dowry. The applicant had also made the complaint against the non-applicant husband and his family members but after counseling police has not registered any offence against the non-applicant-husband and his family members. The situation became worst for the applicant and



she was thrown out of the matrimonial house by the husband and her in-laws. The applicant belongs to a very poor family and does not have any means of earning and after marriage she is totally depended upon the non-applicant for her survival. Accordingly, left with no alternative she is residing at her parental home only as an interim measure. It is further alleged that the non-applicant is a sales man of Patanjali Company Products earns about Rs. 25,000/- per month as salary. He also has agricultural land from which he receives income of Rs. 2,00,000/- annually. The non-applicant husband is the owner of two houses at Loharsi and Aarasmeta and he also has rental income of Rs. 20,000/- per month in total Rs. 3,00,000/- per month on the other the applicant/wife has no source of income and presently she is fully dependent upon her parents for survival therefore, the applicant wife is entitled to get Rs. 30,000/- per month as maintenance.

4. After service of notice the non-applicant, he appeared before the learned Family Court, filed his reply on 05.11.2022 and refuted the averment of the application stating that the applicant has made false and baseless allegation in her application, that social meetings were arranged but it was not fruitful, that she is not willing to reside with him and she is living separately without any sufficient reason. He further submits that the applicant wife has made a false complaint against him and his family members and after due inquiry police has not found any allegation against them therefore, refused to register the case against them. The counseling was conducted at Mahila Thana on different dates wherein the applicant wife has



refused to reside with him. In the month of June 2022 the social meeting was called wherein Rs. 1500/- has been awarded by the senior members of the social meeting for per month maintenance of the wife. The non-applicant husband is working in a private transport company and getting Rs. 7000/- per month as salary, he has also obtained a loan from private finance company and he is paying Rs. 4000/- as installment and the liability of maintenance of old age mother father and younger sister is also upon him therefore he is not in position to pay Rs. 30,000/- per month as a maintenance. Accordingly, the applicant-wife is living separately without any sufficient reason therefore her application is liable to be rejected.

5. On the basis of the averment made by the parties the learned Family Court framed as many as six issues and issue No. 2 to 4 was decided in favour of the present applicant and held that the wife has no sufficient income and the non-applicant husband has denied/ignored from paying the maintenance to the applicant/wife. After appreciating the evidence and material available on record, the learned Family Court has rejected the application of the applicant vide order dated 29.04.2023 holding that the applicant has failed to established her case and she is living separately without any sufficient reason. Hence, this revision.
6. Learned counsel for the applicant submits that the learned Family Court has dismissed the case despite the fact that the applicant is unable to maintain herself and she is fully depended on the non-applicant. The non-applicant is mentally and physically fit and is



working in a private company and he has earning of more than Rs. 50,000/- from salary and other sources, that the non-applicant has also not specifically denied his income in his reply and also not filed any documents in this regard. He further submits that the learned Family Court failed to consider that the applicant is residing separately due to cruel treatment by the non-applicant and her in-laws, the Family Court has also failed to consider the facts, circumstances of the case, statement of the witnesses and evidence available on record. Therefore, he prays that the impugned order deserves to be set-aside.

7. On the other hand, learned counsel for the non-applicant opposes the submissions made by the learned counsel for the applicant and submits that the learned Family Court after considering all the documents and evidence adduced by the parties has rightly passed the order, in which no interference is called for.
8. I have heard learned counsel for the parties, perused the pleadings and documents appended thereto.
9. Considering the evidence and overall circumstances of the case, the Family Court has rightly held that the applicant failed to establish the essential prerequisites for claiming maintenance under Section 125 of the Criminal Procedure Code. It has been observed that the wife is residing separately from her husband without any justifiable or sufficient cause. A fundamental condition for claiming maintenance, that the husband has given cause or compelled the wife to live separately, has not been satisfactorily proved by the applicant. In the absence of such proof, the applicant cannot be



deemed entitled to maintenance. The Family Court, upon a thorough examination of the pleadings and the evidence on record, has arrived at a well-reasoned, lawful, and justified conclusion in dismissing the claim for maintenance.

10. Taking into account the facts and circumstance of the case, this Court is of the opinion that the learned Family Court concerned has rightly passed the impugned judgment, I do not find any illegality or infirmity in the impugned order passed by the learned Family Court. No interference is called for. The applicant has failed to raise any ground so as to warrant interference by this Court.
11. Accordingly, the criminal revision, being devoid of merit, is liable to be and is hereby **dismissed**.
12. The Registrar (Judicial) is directed to transmit the record of the present case to the concerned trial Court within a week from today for necessary compliance and followup action, if any.

Sd/-
(Ramesh Sinha)
Chief Justice