



2026:CGHC:24675



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 734 of 2026

Anil Sahu S/o Shri Sadhuram Sahu, Aged About 37 Years R/o - Near Iidgaha Bhatha Masjid, Lakhe Nagar, District - Raipur (C.G.) (Non - Applicant)

... Applicant(s)

versus

1 - Smt. Rohini Sahu W/o Shri Anil Sahu, Aged About 35 Years R/o - Boring Chowk, Gali No. 02, Ramnagar, Post - Ganj, Police Station - Gudhiyari, District - Raipur (C.G.)

2 - Minor Bhuvik Sahu S/o Shri Anil Sahu Aged About 7 Years (The Respondent No. 2 Is Being Minor On Behalf Of Through His Legal / Natural Guardian Mother Of The Respondent No. 1 Smt. Roshni Sahu W/o Shri Anil Sahu) R/o - Boring Chowk, Gali No. 02, Ramnagar, Post - Ganj, Police Station - Gudhiyari, District - Raipur (C.G.)

... Respondent(s)

For Applicant(s) : Smt. Jyoti Kaushik, Advocate.

For Respondent(s) : None.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

18/06/2026

1. The applicant has filed this criminal revision against the order dated 28.01.2026 passed by learned Principal Judge, Family



Court, Raipur, District – Raipur (C.G.) in Cr. M.C.C. No.275/2025, whereby, the learned Family Court partly allowed the application under Section 144(1) of BNSS filed by the respondents and directed the applicant to pay Rs.5,000/- per month to respondent No.1 and Rs.2,000/- per month to respondent No.2, towards maintenance.

2. Brief facts necessary for disposal of this revision are that the marriage of applicant with respondent No.1 was solemnized on 17.04.2016 according to Hindu rites and customs. Out of the wedlock, respondent No.2, namely Master Bhuvik Sahu, was born on 19.04.2017. The respondents filed an application under Section 144 of the BNSS seeking maintenance for the wife and minor child along with an application for interim maintenance, claiming a total maintenance of Rs.20,000/- per month. It was alleged that after marriage the parties lived together for some time, but subsequently the applicant subjected respondent No.1 to mental and physical cruelty, abused and harassed her, and compelled her to leave the matrimonial home on 16.03.2024. It was further alleged that she has no independent source of income and is dependent upon her parents, whereas the applicant is working as a motor mechanic earning about Rs.30,000/- per month. The applicant filed his reply denying all allegations of cruelty and harassment except the factum of marriage. He contended that respondent No.1 voluntarily left the matrimonial home without any sufficient or reasonable cause and has been



residing at her parental house of her own accord despite repeated efforts made by him to bring her back. He further asserted that respondent No.1 had lodged false complaints against him and his family members and, therefore, she was not entitled to any maintenance. After considering the pleadings and submissions of both parties, the learned Principal Judge, Family Court, Raipur, in Criminal M.C.C. No. 275/2025, by order dated 28.01.2026, partly allowed the maintenance application and awarded maintenance of Rs.7,000/- per month, comprising Rs.5,000/- to respondent No.1 (wife) and Rs.2,000/- to respondent No.2 (minor child). Aggrieved by the said order, the applicant has preferred the present criminal revision.

3. Learned counsel for the applicant submits that the learned Family Court has erred in law and on facts in awarding maintenance of Rs. 7,000/- per month (Rs. 5,000/- to Respondent No.1 and Rs. 2,000/- to Respondent No.2) without properly appreciating the material available on record. The Court failed to consider that the allegations of cruelty, harassment and ill-treatment levelled by the respondents against the applicant are false and unsubstantiated, and that the applicant has consistently made sincere efforts to resume cohabitation and preserve the matrimonial relationship. She further submits that the learned Family Court further failed to appreciate that the respondent-wife is residing separately from the applicant without any sufficient or justifiable cause. Despite the applicant's willingness to keep and maintain the respondent and



his readiness expressed even during counselling proceedings, the respondent refused to join the matrimonial home. In such circumstances, the respondent is not entitled to claim maintenance under Section 144 of the B.N.S.S., and the findings recorded by the Family Court are based on erroneous presumptions and inferences. She also submits that the learned Family Court also ignored the financial condition and liabilities of the applicant and failed to consider that the respondent is a self-earning lady capable of maintaining herself. The evidence and material on record clearly demonstrate that the applicant lacks sufficient means to pay the maintenance amount as awarded. Therefore, the impugned order suffers from serious legal and factual infirmities and is liable to be set-aside.

4. I have heard learned counsel for the applicant, perused the impugned order and other documents appended with criminal revision.
5. From perusal of the impugned order, it transpires that the learned Family Court partly allowed the application under Section 144(1) of BNSS filed by the respondents and directed the applicant to pay Rs.5,000/- per month to respondent No.1 and Rs.2,000/- per month to respondent No.2, towards maintenance, holding that respondent No.1 was residing separately from the applicant for sufficient and justifiable reasons on account of the alleged cruelty and ill-treatment meted out to her in the matrimonial home. The learned Family Court further held that notwithstanding the ex



parte decree of divorce obtained by the applicant, respondent No.1 continued to fall within the ambit of “wife” under Section 144 of BNSS and, there being no evidence of her remarriage, therefore, the learned Family Court came to the conclusion that both the respondents are entitled to claim maintenance from the applicant.

6. Considering the submissions advanced by the learned counsel for the parties 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.
7. Accordingly, the revision being devoid of merit is liable to be and is hereby **dismissed**.

Sd/-

(Ramesh Sinha)
Chief Justice