



2026:CGHC:3691



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 1068 of 2023

1. Smt. Sapna Rani W/o Kumar Jha Aged About 42 Years R/o Devnandan Nagar, Khamtarai Road, Police Station Sarkanda, Bilaspur, District- Bilaspur, Chhattisgarh.
2. Anvesha Jha D/o Santosh Kumar Jha Aged About 14 Years Minor Through Their Legal Representative/mother Smt. Sapna Rani, W/o Santosh Kumar Jha, Aged About 42 Years, R/o Devnandan Nagar, Khamtarai Road, Police Station Sarkanda, Bilaspur, District- Bilaspur, Chhattisgarh.
3. Arpit Jha S/o Santosh Kumar Jha Aged About 11 Years Minor Through Their Legal Representative/mother Smt. Sapna Rani, W/o Santosh Kumar Jha, Aged About 42 Years, R/o Devnandan Nagar, Khamtarai Road, Police Station Sarkanda, Bilaspur, District- Bilaspur, Chhattisgarh.

... Applicants

versus

Santosh Kumar Jha S/o Late Ram Narayan Jha Aged About 43 Years R/o Malad P.S. Kishanpur, District- Supaul, Bihar, Present Address- Mahindra Finance Company, Mangla Chowk, P.S. Civil Line Bilaspur, Tahsil and District- Bilaspur, Chhattisgarh.

... Respondent

For Applicants	: Ms. Reema Dubey, Advocate.
For Respondent	: Ms. Kamini Sahu, Advocate on behalf of Ms. Gunjan Tiwari, Advocate.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

21.01.2026

1. This criminal revision has been filed by the applicant being aggrieved with



the impugned order dated 02.08.2023 passed by the Learned Principal Judge, Family Court, Raipur (C.G.) in Criminal M.J.C No.968/2022, whereby the learned Family Court has rejected the maintenance application of applicant No. 1/wife and partly allowed the application of applicant Nos. 2 and 3 thereby awarding Rs.4,000/- per month to the applicant No.02 and Rs. 3,000/- per month to applicant No.3.

2. The brief facts of the case is that the applicants had preferred an application under Section 125 of the Code of Criminal Procedure, 1973, seeking grant of maintenance. The marriage between Applicant No. 01 and the respondent was solemnized on 26.04.2007. Prior to the marriage, the respondent was serving in the Indian Army. After marriage, when the respondent was posted at Bathinda, he took Applicant No. 01 along with him. Initially, everything remained normal for a few days; however, thereafter the behaviour of the respondent started deteriorating. He used to confine Applicant No. 01 inside the house while leaving for work. Due to the physical and mental torture inflicted by the respondent, the health of Applicant No. 01 deteriorated and she was admitted to the Army Hospital. Subsequently, her mother and brother brought her back to her parental home. Thereafter, Applicant No. 01 took a rented house and started living separately. During this period, the respondent used to visit the applicant during holidays. Out of the wedlock, the applicants were blessed with two children. Initially, the respondent used to provide some amount towards household expenses, but after some time he completely stopped giving any financial support. In the year 2017, the respondent retired from the Army and shifted to Bilaspur, where he started working with Mahindra Finance Company. Thereafter, the applicants and the respondent again started living together. However, after some time, the respondent's behaviour once again became cruel towards the applicants. He started



abusing and physically assaulting Applicant No. 01 and frequently locked her inside the house and went away. On 24.11.2018, when the respondent locked the applicants inside the house and left, the mother of Applicant No. 01 came to meet her and, with the help of the police authorities, the lock was broken and the applicants were rescued. In the year 2020, Applicant No. 01 was diagnosed with cancer. Despite this, the respondent did not provide any financial, medical, or emotional support. On 22.09.2021, the respondent finally deserted the applicants and started living separately. It is further submitted that the respondent has remarried one Richa Kumari without obtaining a divorce from Applicant No. 01. The allegations levelled by the respondent against Applicant No. 01 are false, baseless, and made only to evade his legal responsibility of maintaining the applicants. The respondent is a retired Army personnel and is receiving approximately Rs. 45,000/- per month as pension and an additional Rs. 30,000/- per month as salary from Mahindra Finance Company. In contrast, Applicant No. 01 is working in a private school and earning only Rs. 3,150/- per month, which is wholly insufficient to meet household and children's expenses. The respondent himself does not wish to live with the applicants, as he has already contracted a second marriage. Applicant No. 01 earns a meagre income of Rs. 3,150/- per month and has saved whatever little amount she could solely for the future of her children. Therefore, denial of maintenance to Applicant No. 01 and the inadequate amount awarded to Applicant No. 02 is illegal, unjust, and improper, and the same is liable to be enhanced.

3. Learned counsel appearing for the applicant submits that the impugned order is illegal, arbitrary, bad in law, and liable to be set aside. The learned Family Court has wrongly assessed the income of Applicant No. 01 and erroneously denied maintenance to Applicant No. 01. The learned



Family Court failed to consider that the respondent is a retired Army personnel receiving approximately Rs. 45,000/- per month as pension and an additional Rs. 30,000/- per month as salary from a Finance Company. The learned Family Court failed to consider the fact that the respondent has contracted a second marriage without obtaining a divorce from Applicant No. 01. The learned Family Court failed to consider that the respondent deserted the applicant and the children without any fault on the part of Applicant No. 01. The learned Family Court failed to consider that Applicant No. 01 has been solely bearing the educational and other essential expenses of the children. The learned Family Court failed to consider that Applicant No. 01 is earning only Rs. 3,150/- per month, which is grossly insufficient to maintain herself and the children, and that the respondent is living separately without any fault on the part of the applicant. The learned Family Court failed to consider that Applicant No. 01 is residing in a rented house and is required to bear the burden of rent and other incidental expenses. The learned Family Court failed to consider what would be a reasonable and sufficient quantum of maintenance required for the proper upkeep and livelihood of the applicants. The learned Family Court failed to consider that a wife has a statutory right to maintenance and the respondent is legally bound to provide the same.

4. On the other hand, learned counsel for the respondent/husband opposes the submissions made by the learned counsel for the applicant and submits that the Family Court after considering all the documents and evidence adduced by the parties has passed the order, in which no interference is called for.
5. I have heard learned counsel for the parties, perused the impugned order, pleadings and documents appended thereto.



6. Considering the submissions advanced by the learned counsel for the parties, and from the perusal of the impugned order passed by the learned Family Court, it transpires that after hearing all the statements of the witnesses and perusing the evidence available on record, the learned Family Court has passed the impugned order, and there is no any illegality and infirmity while passing the same which requires interference by this Court.
7. Accordingly, the present revision, being devoid of merit, is liable to be and is hereby **dismissed**.
8. Let the certified of the this order as well as original record be transmitted to the concerned trial Court for necessary compliance and follow up action, if any.

Sd/-
(Ramesh Sinha)
Chief Justice