



2026:CGHC:3692

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 1059 of 2023

Rampal Sahu S/o Manikchand Sahu Aged About 35 Years Occupation Tailor And Farmer, R/o Village - Sumerpur, Navapara Shrinagar, Police Station - Ramanujnagar, Tehsil - Ramanujnagar, District Surajpur (C.G.),...(Originally Non-Applicant)

... Applicant(s)

versus

1 - Smt. Anita Sahu W/o Rampal Sahu Aged About 28 Years Occupation Home Maker R/o Village Khada, Chitkahipara, Police Station - Patna, Tehsil Baikunthpur, District Korea, Chhattisgarh,...(Originally Applicants)

2 - Satyam Sahu S/o Rampal Sahu Aged About 8 Years Occupation Student (Minor), Through Natural Guardian Mother Anita Sahu W/o Rampal R/o Village Khada, Chitkahipara, Police Station - Patna, Tehsil Baikunthpur, District Korea, Chhattisgarh

... Non-applicant(s)

For Applicant : Ms. Surbhi Yadav, Advocate on behalf of Mr. Hemant Kumar Agrawal, Advocate.

For Non-applicants : Mr. Jay Prakash Shukla, Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

21.01.2026

1. Heard Ms. Surbhi Yadav, learned counsel for the applicant. Also heard Mr. Jay Prakash Shukla, learned counsel for the Non-applicants.

2. By way of this revision, the applicant has prayed for following relief:

“It is, therefore, prayed that this Hon'ble High Court may kindly be pleased to call entire records from the learned Family Court below as well as Your Lordship may kindly be pleased to allow this revision and set aside the impugned order dated 24.08.2023 passed by The Judge, Family Court, Manendragarh, District: Korea (C.G.).

Any other relief(s) which this Hon'ble Court deems fit in the facts and circumstances of the case, be also granted in favour of the Revisioner in the interest of justice.”

3. Brief facts of the case are that the non-applicants herein had filed an application for maintenance before the learned Family Court stating, inter alia, that the marriage between the parties was solemnized in the year 2010 as per Hindu customs and rites and that a child, namely non-applicant No. 2, was born out of the wedlock, that after a few years of marriage, the applicant allegedly started harassing and beating the non-applicant No.1 for trivial reasons and in October 2022, she was allegedly forced out of the matrimonial home and has since been residing at her parental home. The applicant works as a tailor and owns agricultural land earning about ₹40,000/- per month but he is not paying any maintenance and therefore sought a sum of ₹20,000/- per month towards maintenance for herself and the minor child before the learned Family Court.

4. The applicant, while filing his reply to the application, has denied all the allegations except those specifically admitted and submitted that prior to the marriage, discussions were held between the parents of both parties, wherein it was mutually agreed that since the non-applicant No. 1 had two daughters and the elder daughter was already married, the younger daughter, namely Anita, would reside with her parents after marriage and if the applicant agreed to live as a *ghar-jamai*, the marriage would be solemnized, it was further assured that the applicant would be provided two acres of land and a tailoring shop at village Bhandi, pursuant to which the marriage took place and the applicant resided at the non-applicant's parental home for about five years. It is further submitted that on the day of Raksha Bandhan in August 2022, while he had gone to the road to see off guests due to rain, the non-applicant No. 1 consumed insecticide and started vomiting, whereupon he immediately arranged a vehicle and got her admitted to Surajpur Hospital, from where she was referred to Ambikapur Hospital; after treatment, she returned to the matrimonial home, but two days later, in his absence, her father took her back to her parental home, which was duly reported to the police. It is categorically denied that the applicant ever subjected the non-applicant No.1 to abuse or physical cruelty, and it is submitted that the non-applicant No.1 is residing at her parental home out of her own free will. The applicant works as a tailoring artisan, does not earn ₹40,000/- per month as alleged, and does not own any agricultural land. The application has

been filed on false and concocted facts and is liable to be dismissed.

5. After appreciating the evidence and material available on record, heard both the parties, the learned Family Court concerned passed the order dated 24.08.2023, whereby partly allowed the application filed by the Non-applicants and directed the applicant to pay Rs. 3000/- per month to the Non-applicant No.1 and Rs. 2000/- per month to the Non-applicant No.2 towards maintenance. Hence, this revision.
6. Learned counsel for the applicant submits that the learned Family Court has committed a grave error both on facts and in law in allowing the application for grant of maintenance. It is submitted that the applicant has no fixed or regular source of income and earns his livelihood solely as a tailor, with income depending entirely upon the quantum of work available and that he does not own any agricultural land in his individual capacity, as the land referred to is jointly owned by six family members and yields negligible income, a material aspect which has been ignored by the learned Family Court. It is further submitted that the non-applicant-wife maintains a high standard of living and incurs unreasonable and unnecessary expenditure, and that she has no justifiable cause to live separately from the applicant as she is residing at her parental home of her own volition and was never driven out from the matrimonial home. The allegations of cruelty and assault levelled against the applicant are false and baseless. He further submits that the Non-applicant-wife has failed to produce any cogent or reliable documentary

evidence in support of her claim regarding the alleged income of the applicant and has deliberately misrepresented and exaggerated facts to give them an adverse colour. In view of the aforesaid submissions, it is contended that the non-applicant-wife is not entitled to any maintenance and the impugned order deserves to be set aside.

7. On the other hand, learned counsel for the non-applicants opposes the submissions made by the learned counsel for the applicant and submits that the Family Court concerned after considering all the documents and evidence adduced by the parties has passed the order, in which no interference is called for.
8. I have heard learned counsel for the parties, perused the impugned order and other documents appended with revision.
9. From perusal of the impugned order, it transpires that an application filed under Section 125 of Cr.P.C. before the learned Family Court, sought maintenance amount from the applicant to the tune of Rs. 20,000/- per month. Upon appreciation of the facts, evidence and overall circumstances, the learned Family Court has partly allowed the application filed by the non-applicants wherein directed the applicant/husband to pay Rs. 3,000/- per month to the Non-applicant No.1 and Rs. 2000/- per month to the Non-applicant No.2 as maintenance (Total 5000/-per month). While passing the said order, the learned Family Court keeping in view the social status of both the parties, their earning capacity as well as prevailing cost of living, number of dependents on them and expected expenses

granted as maintenance to the non-applicants, which cannot be said to be shockingly on higher side.

10. Considering the submissions advanced by learned counsel for the parties, perusing the documents appended with revision and finding recorded by learned Family Court, I am of the considered view that learned Family Court has not committed any illegality or irregularity in the impugned order warranting interference by this Court.
11. Accordingly, the revision being devoid of merit is liable to be and is hereby **dismissed**.
12. Office is directed to send a certified copy of this order to the Family Court concerned for necessary information and compliance.

Sd/-
(Ramesh Sinha)
Chief Justice