



2026:CGHC:3688



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 1119 of 2023

1. Smt. Surya Ambasth W/o Tanuj Kumar Ambasth Aged About 28 Years
R/o Navapara, Ambikapur, Permanent R/o Janpad Para, Ambikapur
(Shivrani Bhawan), P.S. - Ambikapur,, District : Surguja (Ambikapur),
Chhattisgarh
2. Sushant Kumar Ambasth @ Aarav S/o Tanuj Kumar Ambasth Aged
About 3 Years Natural Guardian Smt. Surya Ambasth R/o Navapara,
Ambikapur, Permanent R/o Janpad Para, Ambikapur (Shivrani Bhawan),
P.S. - Ambikapur, District : Surguja (Ambikapur), Chhattisgarh

... Applicants

versus

Tanuj Kumar Ambasth S/o Sunil Kumar Ambasth Aged About 38 Years R/o
D.C. Road Janpad Para (Shivrani Bhawan), P.S. - Ambikapur, District :
Surguja (Ambikapur), Chhattisgarh

... Respondent

For Applicants	: Mr. Bhupendra Singh, Advocate.
For Respondent	: C Jayant K. Rao, Advocate.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

21.01.2026

1. This criminal revision has been filed by the applicants being aggrieved with the impugned order dated 22.08.2023 passed by the learned Family Court, Ambikapur, District – Surguja (C.G.) in Misc. Criminal Case No.08/2022, whereby the learned Family Court has rejected the maintenance application of applicant No.1/wife and directed the husband to pay amount of Rs. 5,000/- per month to the applicant No.2/son.



2. The brief facts of the case is that applicant No. 1 is the legally wedded wife of the respondent and applicant No. 2 is the son of the respondent in the present revision. The applicants filed an application under Section 125 of the Code of Criminal Procedure before the Family Court seeking maintenance. The respondent filed his reply and denied the claims of the applicants. The learned Family Court, after recording the evidence of both parties, rejected the application of applicant No. 1 by holding that Applicant No. 1 is not entitled to maintenance and awarded a very meagre amount to applicant No. 2. Being aggrieved by the said order, the applicants have preferred the present revision before this Hon'ble Court.
3. Learned counsel appearing for the applicant submits that the impugned order passed by the learned Family Court is illegal, improper, arbitrary, and contrary to law, and is therefore liable to be set aside by this Hon'ble Court. The learned Family Court erred in not properly exercising the jurisdiction vested in it by law by rejecting the maintenance application filed by applicant No. 1 and by awarding a very meagre amount of maintenance to applicant No. 2. The learned Family Court erred in holding that the applicant neglected and harassed the respondent without any sufficient reason, while ignoring the fact that the applicants are residing separately at the parental home for sufficient cause, as the respondent habitually subjected the petitioner to cruelty and assault while under the influence of alcohol. The learned Family Court failed to take into proper consideration the material and evidence available on record. It is pertinent to mention that the learned Family Court wrongly held that there was no sufficient cause for separate residence by ignoring the fact that applicant No. 1 had lodged complaints against the respondent. The learned Family Court committed gross irregularity by not properly assessing the income of respondent. The applicant is entitled to



maintenance of Rs.28,000/-, being approximately half of the respondent's income, or such amount as this Hon'ble Court deems fit. The learned Trial Court passed the impugned order dated 22.08.2023; hence, the present revision.

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