



2026:CGHC:3689

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 1118 of 2023**

Smt. Vidya Markande W/o Shashikant Markande Aged About 25 Years R/o
Satnami Para, Gudhiyari, Police Station- Gudhiyari,, District : Raipur,
Chhattisgarh

... Applicant**versus**

Shashikant Markande S/o Shri Goverdhan Markande Aged About 27 Years R/o
Village- Doma, Satnami Para, Police Station- Mujgahan, Sejbahar,, District :
Raipur, Chhattisgarh

... Respondent

For Applicant	: Ms. Prachi Diwan, Advocate.
For Respondent	: Mr. Ravipal Maheshwari, 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 31.07.2023 passed by the Second Additional Principal Judge, Family Court, Raipur (C.G.) in Misc. Criminal Case No.1110/2019, whereby the learned Family Court has rejected the maintenance application of applicant/wife.
2. The brief facts of the case is that the applicant was married to the respondent according to Hindu customs and rites on 28.04.2018 at Raipur. After the marriage, the applicant started residing in the matrimonial home with the respondent at Raipur. At the time of marriage,

the father of the applicant gave various household articles and ornaments to the respondent, including a refrigerator, sofa, almirah, cooler, and jewellery. It is alleged that after the marriage, the respondent and his family members started taunting and abusing the applicant by making allegations regarding her character, due to which the applicant was compelled to return to her maternal home. The applicant filed an application seeking grant of maintenance, pleading that she has no source of income, whereas the respondent is earning approximately Rs.50,000–60,000 per month from his daily shop and agricultural activities. The applicant prayed for grant of maintenance at the rate of Rs.25,000 per month. The respondent, in his reply to the maintenance application, denied the allegations made by the applicant and submitted that the same are false. He further alleged that the applicant is of unsound mind and that the marriage was solemnized by fraud. It was also submitted that the respondent has no source of income. On these grounds, the respondent prayed for dismissal of the maintenance application. The learned Trial Judge recorded the evidence of both the parties and, after meticulous examination, held that the applicant failed to prove the facts and grounds forming the basis of her maintenance application. The Court further held that the applicant failed to establish that she was living separately for sufficient cause, and accordingly rejected the maintenance application filed by the applicant. Hence, the present revision.

- 3.** Learned counsel appearing for the applicant submits that the learned Family Court failed to consider that the applicant was living separately due to taunts and cruelty inflicted upon her by the respondent and his family members. The learned Family Court also failed to consider that the respondent, in his statement recorded before the Court, clearly admitted

that he does not want to live with the applicant. The learned Family Court ought to have appreciated that the respondent is earning approximately Rs.50,000–60,000 per month from his running daily shop and agricultural activities. The applicant had earlier approached this Hon'ble Court seeking enhancement of interim maintenance, which was registered as CRR No. 425/2023. Considering that the maintenance application was pending since the year 2019, this Hon'ble Court, by order dated 24.04.2023, directed the Trial Court to decide the main petition under Section 125 of the Cr.P.C., with cooperation of the parties, at the earliest, preferably within a period of four months from the date of receipt of the copy of the order. However, the Trial Court failed to adhere to the object and spirit of Section 125 of the Cr.P.C. and dismissed the maintenance application in an arbitrary manner. The learned Family Court failed to consider that sufficient material is available in the respondent's statement clearly demonstrating that he has a source of income, that his conduct amounts to cruelty towards the applicant, and that he is unwilling to cohabit with her. Therefore, the finding recorded by the learned Family Court that the applicant failed to prove her case is unsustainable and liable to be set aside. It is pertinent to mention that the respondent did not pay the amount of interim maintenance as directed in the earlier order passed by the learned Family Court. When the applicant approached this Hon'ble Court in that regard, the learned Family Court, in a hurried manner, decided and rejected the maintenance application.

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