



2026:CGHC:3683

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 1240 of 2023**

Fulmati W/o Jayprakash Aged About 32 Years Caste- Kumhar, R/o Village- Pasa, Police Station - Biharpur, Tahsil- Odgi, District : Surajpur, Chhattisgarh

... Applicant(s)**versus**

Jayprakash S/o Shivbharosh Aged About 38 Years Caste- Kumhar, R/o Village- Darna, Police Station And Tahsil- Bhaiyathan, District : Surajpur, Chhattisgarh

... Non-applicant(s)

For Applicant : Ms. Sangeeta Kaushik, Advocate.

For Non-applicant : None.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****21.01.2026**

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

"It is therefore most respectfully prayed that this Hon'ble Court may kindly be pleased to set-aside/quash the impugned order dated 03.10.2023 and award maintenance in favour of applicant to the tune of Rs. 10,000/- per month, in the interest of justice."

2. Facts of the case are that the applicant filed an application under Section 125 of the Cr.P.C. before the learned Family Court, stating



therein that she is the legally wedded wife of the non-applicant and that their marriage was solemnized about 13–14 years prior. Out of the said wedlock, a son namely Bhavesh was born. It was further stated that after some time of marriage, the non-applicant subjected the applicant to cruelty on account of demand of dowry and used to consume liquor and assault her. Ultimately, on 14.05.2015, the non-applicant ousted the applicant from the matrimonial house. Thereafter, the applicant filed an application under the provisions of the Protection of Women from Domestic Violence Act before the learned JMFC, Surajpur, wherein a compromise was arrived at and the non-applicant took back the applicant to the matrimonial home. However, in the month of November, 2021, the non-applicant again ousted the applicant from the matrimonial house, due to which the applicant has been residing separately at her parental home. It was further contended that the non-applicant is a builder and also owns agricultural land, from which he earns approximately ₹50,000/- per month, despite this, he has not paid a single penny towards the maintenance of the applicant. The applicant is a housewife and has no independent source of income, hence, she filed the application seeking grant of maintenance.

3. After service of notice, the non-applicant filed his reply, wherein he denied all the allegations and submitted that the applicant is residing separately at her parental house without any reasonable or sufficient cause and is capable of maintaining herself. Therefore, according to him, she is not entitled to maintenance from the non-applicant.



4. After appreciating the evidence and documents available on record, the learned Family Court has passed an order dated 03.10.2023, whereby rejected the application of the applicant on the ground that she has failed to prove her case further without any sufficient cause she is residing separately, therefore she is not entitled for maintenance amount. Hence, this revision.
5. Learned counsel for the applicant submits that the impugned order dated 03.10.2023 passed by the learned Family Court is illegal, arbitrary and perverse, being contrary to the material available on record. The learned Family Court has gravely erred in holding that the applicant is living separately without reasonable cause, while ignoring the consistent evidence that the non-applicant used to consume liquor, assault the applicant and doubt her character and forcibly oust her from the matrimonial home. The Family Court further failed to consider that similar acts had occurred earlier, leading to police complaints and counselling. The findings regarding alleged desertion by the applicant are based on conjectures and are unsupported by evidence. The learned Family Court also failed to appreciate that the non-applicant has sufficient means of income, whereas the applicant is a legally wedded wife, a housewife, and has no independent source of income. The impugned order thus suffers from serious infirmities and deserves to be set aside and the applicant is entitled to maintenance of ₹10,000/- per month in the interest of justice.
6. I have heard learned counsel for the applicant, perused the pleadings and documents appended thereto.



7. Considering the evidence and overall circumstances of the case, the Family Court has rightly held that the applicant failed to establish the essential prerequisites for claiming maintenance under Section 125 of the Criminal Procedure Code. It has been observed that the wife is residing separately from her husband without any justifiable or sufficient cause. A fundamental condition for claiming maintenance, that the husband has given cause or compelled the wife to live separately, has not been satisfactorily proved by the applicant. In the absence of such proof, the applicant cannot be deemed entitled to maintenance. The Family Court, upon a thorough examination of the pleadings and the evidence on record, has arrived at a well-reasoned, lawful, and justified conclusion in dismissing the claim for maintenance.
8. Taking into account the facts and circumstance of the case, this Court is of the opinion that the learned Family Court concerned has rightly passed the impugned judgment, I do not find any illegality or infirmity in the impugned order passed by the learned Family Court. No interference is called for. The applicant has failed to raise any ground so as to warrant interference by this Court.
9. Accordingly, the criminal revision, being devoid of merit, is liable to be and is hereby **dismissed**.
10. The Registrar (Judicial) is directed to transmit the record of the present case to the concerned trial Court within a week from today for necessary compliance and followup action, if any.

Sd/-
(Ramesh Sinha)
Chief Justice