



CGHC010378072025



2026:CGHC:30776

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

FA(MAT) No. 340 of 2025

1 - Manorama Patel Wife Of Dharmendra Patel Aged About 28 Years Resident Of Village- Revti, Chowki, Chandaura, Tahsil- Pratappur- District- Surajpur (C.G.)

2 - Mahi Patel Daughter Of Dharmendra Patel Aged About 6 Years Minor Represented Though Legal Guardian And Mother Manorama Patel Resident Of Village- Revti Chowki Chandaura, Tahsil Pratappur, District- Surajpur (C.G.)

... **Petitioner**

versus

Dharmendra Patel Son Of Ramgahan Patel Aged About 32 Years Resident Of Kailaspur, Tahsil- Wadrafnagar- District- Balrampur- Ramanujganj (C.G.)

... **Respondent**

For Petitioner	:	Mr. Krishnakant Prajapati, Advocate.
For Respondent	:	None present.

{Hon'ble Mr. Justice Naresh Kumar Chandravanshi}

Order on Board

20/07/2026

Heard.

1. This appeal has been preferred challenging the order dated 24th June, 2025 passed by District Judge, Pratappur, District Surajpur (C.G.) in Civil Suit A/8/2023 whereby application filed by the appellants, who are wife & child, under Section 18 of Hindu Adoption and Maintenance Act, 1956 has been allowed in

part and maintenance amounts of Rs.5,000 and Rs.3,000, respectively, were granted to them.

2. Learned counsel for the appellants submits that the appellant No. 1 is a landless lady and has no source of income for her own and her child's (appellant No. 2) livelihood. They dependent upon the respondent, but respondent is not taking care of them, as he has kept another lady as his second wife. He further submits that though learned District Judge, Pratappur, District Surajpur has granted Rs. 5,000/- & Rs. 3,000/-, respectively to the appellants for their maintenance, but appellant No. 2 is suffering from sickle cell disease and required regular treatment and blood transplantation, despite that, no amount has been granted to the appellants on the head of medical treatment of appellant No. 2/daughter. It is further argued that the respondent works at a petrol pump and earns wages of Rs.10,000 per month and he also owns agricultural land and, thus, has a sufficient source of income, despite that a very meagre amount has been granted for maintenance of appellants. Hence, he prays that this appeal may be admitted for hearing for enhancement of maintenance amount.

3. During course of submission, when specific question was posed to counsel for the appellants that as to whether appellants have proved that which particular land at particular place are held by respondent and whether they have filed any document in this regard, he would submit that they have not adduced any oral and documentary evidence before the trial Court in this regard.

4. Heard counsel for the appellant and perused the material available on record.

5. It is settled proposition of law that while determining the maintenance amount, the concerned trial court ought to have taken into account the husband's financial status.

6. In the case of Rajnish Vs. Neha and other¹, their Lordships of the Supreme Court has held that there is no straight jacket formula for fixing quantum of maintenance, but the maintenance amount awarded must be reasonable and realistic and as per the status of the parties, which has been observed in paragraph 81 as below:-

“81. A careful and just balance must be drawn between all relevant factors. The test for determination of maintenance in matrimonial disputes depends on the financial status of the respondent, and the standard of living that the applicant was accustomed to in her matrimonial home. [*Chaturbhuj v. Sita Bai*, (2008) 2 SCC 316 : (2008) 1 SCC (Civ) 547 : (2008) 1 SCC (Cri) 356] The maintenance amount awarded must be reasonable and realistic, and avoid either of the two extremes i.e. maintenance awarded to the wife should neither be so extravagant which becomes oppressive and unbearable for the respondent, nor should it be so meager that it drives the wife to penury. The sufficiency of the quantum has to be adjudged so that the wife is able to maintain herself with reasonable comfort.”

7. In the present case, as has been contended by learned counsel for the appellants himself that respondent works at Petrol Pump and earns wages of Rs. 10,000/- per month, no other source of income of respondent has been proved by the appellants. As such, granting Rs.5,000/- & Rs.3,000/-, total Rs. 8,000/- per month to the appellants, respectively for their maintenance cannot be termed to be on lower side, particularly considering the monthly wages of respondent/husband, which is said to be only Rs.10,000/- per month.

8. In view of above, this Court is not inclined to admit this appeal. Hence, this same is dismissed at the motion stage itself.

1 (2021) 2 SCC 324

9. Record of the concerned court below be sent back forthwith alongwith copy of this order for compliance and needful.

7. Pending interlocutory application (s), if any, also stands disposed of.

Sd/-

(Naresh Kumar Chandravanshi)
Judge