



2026:CGHC:3682

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 1250 of 2023

Harprit Singh Setthi S/o Shri Tarvindar Sigh Sethi Aged About 38 Years R/o House No.17/37, Behind Mahila Hospital, Kadambari Nagar, Thana Tahsil And District Durg (C.G.)

... Applicant(s)

versus

Smt. Rashmit Kaur W/o Harprit Singh Aged About 28 Years Present Address- Behind State Bank, Thana Kharora, Tahsil And District Raipur (C.G.)

... Non-applicant(s)

For Applicant : Mr. Vipin Tiwari, 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 prayed that this Hon'ble Court may kindly be pleased to allow the revision of the revisionist and may kindly be please to quashed the award dated 13.09.2023 (Annexure A-1) passed by the Learned Principle Judge Family Court, Raipur Distt. Raipur (CG) in Criminal M.J.C. No. 122 / 2023 in the interest of justice."



2. Brief facts of the case are that the non-applicant has stated in her application that her marriage with the applicant was solemnized on 02.03.2014 in accordance with Sikh-Hindu customs and rituals in the presence of family members. After the marriage, the non-applicant began her matrimonial life at her matrimonial home with the applicant. Due to continuous harassment and ill-treatment by the applicant and his family members, the non-applicant was subjected to mental and physical cruelty and is presently residing at her parental home with her brother and mother. The non-applicant has further stated that due to severe physical assault committed by the applicant, she is living in constant fear and is deeply distressed and aggrieved on account of separation from her minor son. She is not allowed to meet her son and whenever she goes to meet him, she is forcibly driven out of the house. It is further averred that the applicant is a transporter by profession and earns approximately ₹60,000/- (Rupees Sixty Thousand) per month from his trucking business. In addition thereto, the applicant owns a residential house wherein 3-4 tenants are residing, from which he earns approximately ₹30,000/- (Rupees Thirty Thousand) per month as rental income. Thus, the total monthly income of the applicant is approximately ₹90,000/- (Rupees Ninety Thousand). At present, the applicant has failed to discharge his legal obligation of maintaining the non-applicant. Since the non-applicant is the legally wedded wife of the applicant, she has prayed for grant of interim maintenance of ₹30,000/- (Rupees Thirty Thousand) per month.
3. Per contra, the applicant has opposed the application and submitted that the non-applicant deliberately and repeatedly goes to her parental home at Kharora with an intention to harass him. It is further



contended that for the past two years, the non-applicant has been employed at Mahamaya Hospital, Kharora, District Raipur, and is earning ₹25,000/- (Rupees Twenty-Five Thousand) per month, due to which she does not wish to reside with the applicant. It is also submitted that the non-applicant is unable to detach herself from her parental family and on account of her employment, has abandoned the applicant and their son Hardeep Singh and is residing at her parental home. The applicant has further alleged that the non-applicant, through her advocate, had taken ₹3,000/- (Rupees Three Thousand) as advocate's fee for filing a mutual divorce petition and had agreed upon a settlement amount of ₹1,50,000/- (Rupees One Lakh Fifty Thousand), but subsequently resiled from the agreement and demanded ₹2,00,000/- (Rupees Two Lakh). Upon refusal by the non-applicant, the advocate honestly returned the fee amount of ₹3,000/- through PhonePe. It has also been alleged that the non-applicant is greedy in nature and frequently changes her stand. On these grounds, dismissal of the application has been prayed for.

4. After appreciating the documents and material available on record and after hearing both the parties, the learned Family Court passed the impugned order dated 13.09.2023, directing the applicant to pay interim maintenance of Rs.7,000/- per months to the non-applicant. Being aggrieved by which the present revision has been filed.
5. Learned counsel for the applicant/revisionist submits that the impugned order passed by the learned Family Court is perverse, illegal, arbitrary and contrary to the facts, circumstances of the case and the evidence available on record. It is submitted that the non-applicant is admittedly working at Mahamaya Hospital, Kharora,



District Raipur (C.G.), which fact has been specifically accepted by her in paragraph No. 3 of her reply to the application filed by the applicant under Section 13(1) of the Act, thereby establishing that she has a regular source of income and is capable of maintaining herself. Despite this material admission, the learned Family Court failed to consider the said fact and committed a grave legal error. It is further submitted that the applicant has no independent source of income and the non-applicant has also failed to produce any cogent evidence regarding the alleged income of the applicant, yet the learned Family Court, without proper appreciation of facts and evidence, passed the impugned order dated 13.09.2023 awarding an amount of ₹7,000/- per month as interim maintenance, which is wholly unjustified and liable to be set aside. He further submits that the minor son of the applicant is residing with the applicant, who is bearing all his educational and day-to-day expenses, a material fact which has also been ignored by the learned Family Court. It is lastly submitted that the non-applicant has no justifiable reason to live separately from the applicant and is residing at Raipur solely for the purpose of her employment and is pressurizing the applicant to reside at his in-laws' house, which aspect has not been considered by the learned Family Court. Accordingly, he prays that the impugned order deserves to be aside.

6. I have heard learned counsel for the applicant, perused the impugned order and other documents appended with criminal revision.
7. From perusal of the impugned order, it transpires that the learned Family Court has duly considered the pleadings and material placed on record and passed a well-reasoned order granting interim maintenance of ₹7,000/- per month to non-applicant, holding the same



to be just and proper in the facts and circumstances of the case.

Considering these circumstances, the Court held that the non-applicant is entitled to receive interim maintenance as aforementioned until final disposal of the case, which cannot be said to be on higher side.

8. Considering the submissions advanced by the learned counsel for the applicant and perusing the impugned order and the finding recorded by the learned Family Court, I am of the view that the Family Court has not committed any illegality or infirmity or jurisdictional error in the impugned order warranting interference by this Court.
9. Accordingly, the revision being devoid of merit is liable to be and is hereby **dismissed**.
10. Office is directed to send a certified copy of this order to the concerned Family Court for necessary information and follow up action.

Sd/-
(Ramesh Sinha)
Chief Justice