



CGHC010070332026



2026:CGHC:37110

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 269 of 2026

- 1** - Poonam Devi W/o Vinay Kumar Rai, D/o Late Laxmi Prasad Aged About 34 Years Caste- Kunbi, R/o Village- Old Mines, Bhatgaon, P.S.- Bhatgaon, Tehsil- Bhaiyathan, District- Surajpur C.G.
- 2** - Ravishankar Rai S/o Vinay Kumar Rai Aged About 13 Years Minor Represented By Their Mother Applicant No. 1, Caste- Kunbi, R/o Village- Old Mines, Bhatgaon, P.S.- Bhatgaon, Tehsil- Bhaiyathan, District- Surajpur C.G.
- 3** - Dhairyashankar Rai S/o Vinay Kumar Rai Aged About 8 Years Minor Represented By Their Mother Applicant No. 1, Caste- Kunbi, R/o Village- Old Mines, Bhatgaon, P.S.- Bhatgaon, Tehsil- Bhaiyathan, District- Surajpur C.G.
- 4** - Muskan Rai D/o Vinay Kumar Rai Aged About 6 Years Minor Represented By Their Mother Applicant No. 1, Caste- Kunbi, R/o Village- Old Mines, Bhatgaon, P.S.- Bhatgaon, Tehsil- Bhaiyathan, District- Surajpur C.G.

... Applicants

versus

Vinay Kumar Rai S/o Surat Rai Aged About 42 Years Caste- Kurmi, R/o House No. 673, Street No. 09, Ambedkar Nagar, Haidarpur, Near Dr. Pal Clinic, P.S. Shalimar Bagh, (North-West Delhi)- 110088.

... Non-Applicant

RAHUL
DEWANGAN

Digitally
signed by
RAHUL
DEWANGAN

For Applicants	:	Mr. Abhinav Dubey, Advocate
For Non-Applicant	:	None.

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

19.08.2026

1. This criminal revision has been filed by the applicants with the following prayer :

“It is therefore prayed that this Hon'ble Court may kindly be pleased

1. To allow this revision application of the present applicants and enhance the amount of maintenance to Rs. 6000/- to each applicant (in interest of justice).

2. To enhance the maintenance amount awarded to applicants which the Hon'ble Court deems fit and proper looking to the present inflation and expenses which are required to be provided for maintenance of wife and education of children etc.”

2. The case of the applicants, in brief, is that applicant No.1, along with her two sons and daughter, preferred an application under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, “the BNSS”), seeking maintenance from the non-applicant, who is the husband of applicant No.1 and father of the other applicants. It was pleaded that the marriage between applicant No.1 and the non-applicant was solemnized on 12.05.2006 in accordance with Hindu rites, customs and traditions. According to

applicant No.1, about three months after the marriage, the non-applicant secured employment in the Indian Army, pursuant to which she shifted to her parental home at Bhatgaon, District Surajpur, where the non-applicant also resided with her for some time and they continued their matrimonial life. Thereafter, in the year 2007, applicant No.1 shifted to the matrimonial home of the non-applicant and continued to reside with him as his wife, and during their matrimonial relationship, three children, namely, two sons and one daughter, were born. It was further pleaded that the non-applicant subsequently left his employment in the Indian Army and, during the year 2016-2017, joined the Postal Department and was posted at the Ashok Vihar Post Office, Delhi. Applicant No.1 alleged that whenever she questioned the non-applicant as to why he had left his employment in the Army, he used to assault and ill-treat her. She further alleged that during their matrimonial life, the non-applicant did not permit her to visit her parental home and even objected to her speaking with her mother over the telephone and, on such occasions, subjected her to physical assault. It was also alleged that the non-applicant used to entertain suspicion regarding her character, abuse her in filthy language and subject her to mental and physical cruelty, and even when she fell ill, he did not make proper arrangements for her medical treatment.

- 3.** It was further pleaded that after the death of her younger brother Rajeev Patel in the year 2021, applicant No.1 went to her parental home along with the non-applicant, where a dispute arose between them, and thereafter, within two days, the non-applicant took her

back to Delhi. Applicant No.1 further pleaded that she had no independent source of income and was unable to maintain herself and the children, whereas the non-applicant was employed in the Post Office at Ashok Vihar, Delhi, and was earning approximately Rs.80,000/- per month. It was also alleged that the non-applicant owned about 40-50 acres of agricultural land yielding approximately Rs.7,00,000/- per annum and also owned a house in Delhi, which had been let out and was generating rental income of approximately Rs.1,50,000/- per annum. It was further alleged that due to the continuous ill-treatment and assault, applicant No.1 lodged a complaint at Police Station Bhatgaon, pursuant to which the non-applicant was arrested and produced before the competent Court at Bhaiyathan and was thereafter released on bail. Since then, according to the applicants, they have been residing at the parental home of applicant No.1 and the non-applicant has neither been maintaining them nor making any effort to provide for their day-to-day needs. On these grounds, the applicants claimed a total maintenance of Rs.60,000/- per month from the non-applicant.

4. Upon notice being issued by the learned Family Court, the non-applicant appeared and contested the application by denying the allegations levelled against him. He pleaded that applicant No.1 used to frequently demand food from outside on the pretext of being unwell and, even when he brought food for her, she used to quarrel with him alleging that the food had been purchased from an inferior restaurant. He further submitted that whenever applicant No.1 expressed a desire to visit her parental home, he either personally

dropped her there or arranged for her journey by train. He also stated that, while serving in the Army, he had been issued a CS Card and had used the same for providing medical treatment not only to himself but also to the applicants. He claimed that during the matrimonial life, he had taken the applicants on several vacations and had always taken care of their needs. He further stated that after the death of applicant No.1's younger brother Rajeev Patel in the year 2021, he provided financial assistance to her mother for performing the last rites and, during the period when applicant No.1 stayed at her parental home for about 15 days, he personally took care of and supported the children in Delhi. The non-applicant denied having any agricultural land or other property in his name and submitted that he was earning only about Rs.40,000/- per month from his employment in the Postal Department. He further pleaded that he had taken the applicants to their parental home and had also booked their return tickets, but when he subsequently requested applicant No.1 to return to the matrimonial home at Delhi, she started quarrelling with him. According to him, applicant No.1, along with her mother, brother, sister-in-law, sister and brother-in-law, assaulted him and thereafter lodged a false case against him, resulting in his arrest and incarceration. He claimed that despite making several efforts to bring the applicants back to the matrimonial home, they refused to return. It was further submitted that the non-applicant had already instituted a proceeding under Section 9 of the Hindu Marriage Act before the learned District Judge, Rohini, Delhi, seeking restitution of conjugal rights and requesting that applicant No.1 resume cohabitation with him.

5. On the basis of the aforesaid pleadings, the learned Family Court framed four issues and, after considering the evidence and submissions advanced by both sides, held that the applicants were entitled to receive maintenance from the non-applicant. Accordingly, by order dated 12.11.2025, the learned Family Court awarded maintenance at the rate of Rs.2,000/- per month to each of the applicants. Being aggrieved by the quantum of maintenance so awarded, which according to the applicants is highly meagre and wholly insufficient to meet their basic needs and maintain a reasonable standard of living, the applicants have preferred the present revision petition, seeking enhancement of the amount of maintenance awarded by the learned Family Court.
6. Learned counsel for the applicants submits that the learned Family Court has committed a grave illegality in awarding a meagre amount of Rs.2,000/- per month to each of the applicants, thereby fixing the total maintenance at only Rs.8,000/- per month for the wife and three children. It is contended that the said amount is ex facie arbitrary, unrealistic and wholly insufficient even to meet the basic necessities of life and, therefore, defeats the very object of Section 144 of the BNSS. He submits that although the learned Family Court has held that the applicants are entitled to receive maintenance from the non-applicant, it has failed to assign any cogent or legally sustainable reasons for determining the quantum at such a low figure. The learned Court has also failed to properly consider that the applicants comprise the wife and three children and that their expenses towards food, clothing, education, medical

treatment and other day-to-day necessities were required to be assessed realistically, keeping in view the prevailing cost of living and the status and standard of living enjoyed by the family during subsistence of the matrimonial relationship.

7. Learned counsel for the applicants further submits that the non-applicant is admittedly employed in the Postal Department as a Government servant and, therefore, his actual income and financial capacity could have been ascertained by directing him to produce his salary slips, income affidavit, bank statements and other relevant financial documents. It is submitted that the applicants had specifically pleaded that the non-applicant was earning approximately Rs.80,000/- per month from his employment, apart from having substantial agricultural income from about 40-50 acres of land and rental income from a house situated in Delhi. However, the learned Family Court neither conducted any proper inquiry into the said sources of income nor called for the relevant documentary evidence, including revenue records or proof of rental income. Even if the plea of the non-applicant that he earns only Rs.40,000/- per month is accepted, the award of Rs.8,000/- per month in total for four applicants is wholly disproportionate and does not constitute a just, reasonable or realistic amount of maintenance. It is further submitted that once specific particulars regarding the income and financial resources of the non-applicant were pleaded, it was incumbent upon him to make a full and truthful disclosure of his actual income and assets, and a mere denial could not absolve him of his statutory obligation to maintain the applicants.

- 8.** Learned counsel for the applicants also submits that the impugned order dated 12.11.2025 does not disclose any proper calculation, assessment of income, consideration of the applicants' actual expenses, or reasoning demonstrating how the amount of Rs.2,000/- per applicant was arrived at. The learned Family Court has failed to apply the settled principles governing determination of maintenance, namely, that the amount must be commensurate with the income, financial capacity, status and standard of living of the husband and the reasonable needs of the wife and children. It is argued that the very purpose of maintenance proceedings is to prevent destitution and vagrancy and to enable the wife and children to live with dignity and reasonable financial security. In the present case, the applicants are admittedly not being regularly maintained by the non-applicant and are residing separately, and the amount awarded is wholly inadequate for their sustenance. It is, therefore, prayed that the impugned order be suitably modified and the amount of maintenance be enhanced to a just, reasonable and realistic sum commensurate with the actual income, assets and financial capacity of the non-applicant and the legitimate needs of the applicants.
- 9.** I have heard learned counsel for the applicants, perused the pleadings and documents appended thereto.
- 10.** From perusal of the impugned order, it transpires that the learned Family Court, after due consideration of the pleadings of the parties, the evidence adduced by them and the material available on record, has rightly appreciated the respective claims and contentions and

has recorded a reasoned finding regarding the entitlement of the applicants to receive maintenance from the non-applicant. The learned Family Court has taken into consideration the matrimonial relationship between applicant No.1 and the non-applicant, the fact that three children were born out of the wedlock, the separate residence of the applicants and their need for financial support, as well as the respective pleadings of the parties regarding the income and financial capacity of the non-applicant. The learned Court has also considered the defence of the non-applicant with regard to his income, his employment in the Postal Department, his alleged efforts to bring the applicants back to the matrimonial home and the other circumstances placed before it. Upon appreciation of the entire material available on record, the learned Family Court has rightly held the applicants entitled to maintenance and, after considering the overall facts and circumstances of the case, has awarded maintenance at the rate of Rs.2,000/- per month to each applicant. The findings recorded by the learned Family Court are based upon proper appreciation of the pleadings and evidence. Merely because the applicants seek enhancement of the amount awarded, the same by itself would not render the impugned order erroneous, particularly when the learned Family Court has exercised its discretion after considering the material available on record.

11. Considering the submission 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.

12. Accordingly, the criminal revision, being devoid of merit, is liable to be and is hereby **dismissed**.
13. Let a certified copy of this order be transmitted to the Family Court concerned forthwith for necessary information and compliance.

Sd/-
(Ramesh Sinha)
Chief Justice

Rahul Dewangan