



2026:CGHC:24341

NAFR

KUNAL
DEWANGANDigitally
signed by
KUNAL
DEWANGAN**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 718 of 2026**

Smt. Roshani Diwakar W/o Dhanendra Kumar Banjare D/o Jairam Diwakar Aged About 32 Years Resident Of Village- Paraswani Police Station Magarlod District- Dhamtari (C.G.) At Present Resident Of Village Sel Post Office Sel, Police Station And Tahsil Kasdol District - Balodabazar-Bhatapara (C.G.)

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

Dhanendra Kumar Banjare S/o Janakram Banjare Aged About 34 Years Occupation Service In The Police Department Resident Of Village- Paraswani Police Station Magarlod District - Dhamtari (C.G.) At Present Resident Of Gariyaband Tahsil - Gariyaband District- Gariyaband (C.G.)

... Non-applicant(s)

For Applicant : Ms. Anamika Tiwari, Advocate.

For Non-applicant : None.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****17.06.2026**

1. By way of this revision, the applicant has prayed that this Court may be pleased to allow the revision and be pleased to set-aside the impugned order dated 30-03-2026 (Annexure A-1) and also be pleased to award maintenance prayed under section 144 of BNSS filed before the learned Family Court, in the interest of justice.

- 2.** Facts of the case are that it was pleaded, inter alia, in the application under Section 144 of BNSS that the marriage between the parties was solemnized on 11.05.2019 as per the customs prevailing in the Hindu community. After the marriage, for about two months, the husband/Non-applicant and his family members treated the applicant properly in the matrimonial home. Thereafter, the husband/Non-applicant allegedly started subjecting the applicant to cruelty and ill-treatment, assaulted her on trivial issues, and also doubted her character. Due to the conduct of the husband/Non-applicant and his family members, who allegedly subjected the applicant to physical and mental harassment, she was compelled to leave the matrimonial home on 25.11.2019. It is further alleged by the applicant that the husband/Non-applicant contracted a second marriage and that a child was also born out of the said wedlock. The applicant is a poor lady having no independent source of income. It was further pleaded that in her application that the non-applicant/husband is a Government servant working in the Police Department and is earning a salary of approximately Rs.35,000/- per month. It was also alleged that he earns about Rs.1,50,000/- from agricultural activities. On these grounds, the applicant claimed maintenance of Rs.15,000/- per month from the husband and filed an application for grant of maintenance before the learned Family Court.
- 3.** The non-applicant/husband filed his written statement and admitted that the applicant is his legally wedded wife. However, he alleged that the applicant was having an illicit relationship with another

person and used to communicate with him regularly over the phone. It was further alleged that she had sent obscene videos to the said person. The husband also stated that, during a social meeting, the applicant had categorically expressed her unwillingness to reside with him and that a customary divorce had taken place between them in the said meeting. Accordingly, he prayed for rejection of her maintenance.

4. After appreciating the evidence and documents available on record, the learned Family Court concerned has passed an order dated 30.03.2026, 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 30.03.2026 passed by the learned Family Court is illegal, perverse, contrary to the object and spirit of Section 144 of the Bhartiya Nagrik Suraksha Sanhita and has been passed without proper appreciation of the pleadings and evidence available on record. It is contended that the non-applicant has categorically admitted that the applicant is his legally wedded wife and, therefore, being her husband, he is under a statutory obligation to maintain her. It is further submitted that the applicant has no independent source of income and is unable to maintain herself. The learned counsel argues that the applicant was compelled to leave the matrimonial home due to the ill-treatment, cruelty and harassment meted out to her by the husband and his family members and,

therefore, her separate residence is fully justified and based on sufficient cause. It is also submitted that the applicant has always been ready and willing to reside with the non-applicant, but the latter is not interested in keeping her with him. Merely because the applicant did not lodge any police complaint, it cannot be inferred that no cruelty was committed upon her, rather, it reflects her bona fide intention to preserve the matrimonial relationship. It is further contended that the learned Family Court failed to assign cogent and sustainable reasons while rejecting the application and ignored the material evidence adduced by the applicant. Therefore, the impugned order deserves to be set aside and the applicant is entitled to reasonable maintenance as claimed in the application.

6. I have heard learned counsel for the applicant, perused the pleadings and documents appended thereto.
7. Considering the overall facts and circumstance of the case, material available on record, this Court finds that the learned Family Court concerned has rightly dismissed the application filed by the applicant under Section 144 of the Bhartiya Nagrik Suraksha Sanhita. The Family Court has recorded a categorical finding that the applicant is residing separately from the non-applicant without any sufficient or justifiable cause. It has further been found that the parties had dissolved their marital relationship through a mutual settlement before members of society and thereafter, the applicant did not initiate any proceedings for maintenance for about five to six years, which indicates that she had voluntarily relinquished her claim for maintenance. In view of the aforesaid findings, the learned

Family Court rightly concluded that the applicant was not entitled to claim maintenance from the non-applicant. The said findings are based on proper appreciation of the evidence available on record and do not suffer from any illegality, perversity or jurisdictional error warranting interference in revisional jurisdiction.

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. Office is directed to send a copy of this order to the family Court concerned for necessary information and compliance.

Sd/-
(Ramesh Sinha)
Chief Justice