



2026:CGHC:26574

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 792 of 2026

Asrita Kujur W/o Mukesh Ekka, D/o Silbanus Kujur Aged About 44 Years
R/o Village House Number 48, Chuch Para Jamdara, Post Kunni, Police
Station Lakhanpur, Tahsil Lakhanpur, District Sarguja (C.G.)

... Applicant(s)

versus

Mukesh Ekka S/o Emilus Ekka Aged About 41 Years R/o Village
Nichkhatgan, Police Station Raydih, District Gumla (Jharkhand)

... Respondent(s)

For Applicant(s) : Mr. Sudeep Verma, Advocate.

For Respondent(s) : None.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

30/06/2026

1. The applicant has filed this criminal revision against the order dated 01.05.2026 passed by learned Family Court, Ambikapur, District - Sarguja (C.G.) in Misc. Criminal Case No.60/2025,

whereby the learned Family Court has rejected the application under Section 144 of BNSS filed by the applicant/wife.

- 2.** Brief facts necessary for disposal of this revision are that the marriage between the applicant and the respondent was solemnized on 13.05.2013 at Catholic Church, Jamdara, District Surguja (C.G.), according to Christian rites and rituals. It is alleged that after the marriage, the respondent treated the applicant with cruelty, developed an extra-marital relationship, and in October, 2019, deserted her by sending her to her parental home, compelling her to live separately without any fault on her part. Since the applicant has no independent source of income, she filed an application under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking maintenance before the Family Court, Ambikapur, which was registered as Miscellaneous Criminal Case No. 60/2025. After hearing both parties, the learned Family Court, by order dated 01.05.2026, dismissed the maintenance application. Aggrieved by the said order, the applicant has preferred the present criminal revision.
- 3.** Learned counsel for the applicant submits that the impugned order dated 01.05.2026 passed by the learned Family Court is illegal, perverse, and contrary to law, as despite the applicant leading evidence in support of her claim, the application under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023 was dismissed without proper appreciation of the material available on record. He further submits that the learned Family Court failed to

properly appreciate the pleadings and evidence of the parties and erroneously concluded that the applicant had no sufficient reason to reside separately from the respondent, although her testimony regarding cruelty and desertion remained consistent and un rebutted. He also submits that the Family Court wrongly held that the applicant was not entitled to maintenance on the basis of her alleged income without any cogent evidence and ignored the settled legal position that mere educational qualification, earning capacity, or some independent income does not, by itself, disentitle a wife from claiming maintenance.

4. I have heard learned counsel for the applicant, perused the impugned order and other documents appended with criminal revision.
5. From perusal of the impugned order, it transpires that the learned Family Court has rejected the application under Section 144 of BNSS filed by the applicant/wife, holding that she failed to establish sufficient cause for residing separately from the respondent/husband. The Family Court found that the allegations of cruelty, dowry demand, extra-marital relationship, and physical and mental harassment were vague, unsupported by specific dates or convincing evidence, and therefore unreliable. It further observed that the applicant had voluntarily left the matrimonial home and failed to prove that she had been deserted or compelled to live separately by the respondent. The Court also held that the applicant is an educated woman possessing M.A.

and B.Ed. qualifications and, on the basis of the respondent's evidence and the material on record, concluded that she was working as a teacher and had suppressed her actual income before the Court. Holding that the applicant had neither proved sufficient cause for living separately nor established her entitlement to maintenance under Section 144(4) of the BNSS, the learned Family Court dismissed the maintenance application.

6. 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.
7. Accordingly, the revision being devoid of merit is liable to be and is hereby **dismissed**.

Sd/-

(Ramesh Sinha)
Chief Justice