AJAY KUMAR DWIVEDI
cn=AJAY KUMAR DWIVEDI, ou=HIGH COURT, o=HIGH COURT OF CHHATTISGARH, st=Chhattisgarh, c=IN

CGHC010303852021 2026:CGHC:44418

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HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 824 of 2021

1 - Azad Ansari S/o Rafiq Ansari Aged About 32 Years R/o Village Rajakatel, Police Station And Tehsil-Lakhanpur, District Surguja Chhattisgarh.

2 - Rafiq Ansari S/o Munif Ansari Aged About 60 Years R/o Village Rajakatel, Police Station And Tehsil-Lakhanpur, District Surguja Chhattisgarh.

3 - Hasbun W/o Rafiq Ansari Aged About 54 Years R/o Village Rajakatel, Police Station And Tehsil-Lakhanpur, District Surguja Chhattisgarh.

4 - Jalun W/o Aslam Aged About 29 Years R/o Village Chandranagar, Post-Jamwantpur, District - Balrampur-Ramanujganj Chhattisgarh.

5 - Sajrun W/o Ahmed Aged About 26 Years R/o Village Datimapara Karsura, District Surajpur Chhattisgarh.

... Applicants.

Versus

Smt. Samsun Bibi W/o Azad Ansari Aged About 30 Years R/o Village - Raja Katel, Police Station -Lakhanpur, District -Surguja Chhattiagarh.

... Respondent.

(cause title downloaded from CIS Periphery)

For Applicants	:	Ms. Seema Verma, Adv on behalf of Mrs. Uttara Shrivastava, Advocate.
For Respondent	:	Mr. Abhinav Dubey, Adv on behalf of Mr. Sunil Tripathi, Advocate.

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)

Order on Board

14/10/2026

1. With the consent of the parties, the matter is heard finally.

2. This Revision has been preferred against the order dated 30.09.2021 passed by the learned First Additional Sessions Judge, Ambikapur, District Surguja, in Criminal Appeal No.14/2021, arising out of the order dated 05.03.2021 passed by the learned Judicial Magistrate First Class, Ambikapur, District Surguja, in Complaint Case No.1046/2018. By the impugned order, the application filed by the respondent/wife under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (Act 2005), was allowed and a direction was issued to the applicant/husband to pay a sum of Rs.6,000/- per month.

3. Facts of the case, in brief, are that the respondent/wife filed an application under Section 12 of the Act, 2005, stating that the marriage between the parties was solemnized on 02.09.2011 as per their customs. They were blessed with one male child. After some time of the marriage, the husband started harassing the wife mentally and physically and ousted her from the matrimonial house. Subsequently, she sought relief under Sections 18, 19, 20, 21 and 22 of the Act. However, the applicant did not enter appearance. Thereafter, upon recording the evidence and considering the material available on record, the learned Trial Court passed an ex parte order directing the applicant/husband to pay Rs.6,000/- towards food, clothing, medical expenses and other household expenses. The applicant/husband preferred an appeal, which was dismissed, affirming the order passed by the learned Trial Court.

4. Learned counsel for the applicant submits that the respondent/wife is already receiving monthly maintenance under Section 125 of the Cr.P.C. He further submits that the learned Trial Court passed the ex parte order without providing due opportunity of hearing to the applicant. It is further

submitted that, in appeal, the learned Appellate Court, without considering this material fact, affirmed the order passed by the learned Trial Court. Hence, the impugned orders are perverse and liable to be set aside.

5. On the other hand, learned counsel for the respondent supports the impugned orders. He submits that, despite service of notice, the applicant/husband did not enter appearance before the Trial Court. Therefore, according to him, the learned Courts below have committed no error in passing the impugned orders.

6. Heard learned counsel for the parties and perused the record.

7. Undisputedly, the applicant and the respondent are legally wedded husband and wife. It is also not in dispute that the respondent is residing separately. The respondent (AW-1) has stated in her deposition that, after a few months of the marriage, the applicant started harassing her mentally and physically on account of demand of dowry and ousted her from the matrimonial house in the year 2012. This fact has also been supported by AW-2, who appears to be a family friend of both the parties. Their depositions have remained unrebutted, as the applicant neither entered appearance nor adduced any evidence during the trial. Moreover, there are concurrent findings of the two Courts regarding the domestic violence committed by the applicant.

8. Further, as per the order passed by the learned Trial Court, it appears that a sum of Rs.1,500/- has been granted towards maintenance by the concerned Family Court, which is already quite meagre. Hence, the learned Trial Court has not committed any error in granting a sum of Rs.6,000/- towards food, clothing, medical expenses, expenses relating to the child and other household expenses under Section 12 of the Act 2005. Considering the cost of living and inflation, the said amount cannot be said to be excessive.

9. Accordingly, this Court is not inclined to interfere with the well-reasoned orders passed by the learned Courts below.

10. Revision is dismissed.

11. Pending applications, if any, stand disposed of.

Sd/-
(Naresh Kumar Chandravanshi)
Judge

Ajay