



2026:CGHC:11719

**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 350 of 2026**

Rajkamal Verma S/o Dr. Kushal Verma Aged About 28 Years R/o Ram Saptah Chauk Ward No.13, Risda Village - Risda Distt- Balodabazar-Bhatapara (C.G.)

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

Smt. Bhupriya Verma @ Megha W/o Rajkamal Verma Aged About 27 Years R/o 09 Patpar Baghel Nagar Lal Bahadur Shastri Ward Bhatapara Dist- Balodabazar-Bhatapara

**... Respondent(s)**

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For Applicant(s) : Mr. R.K. Verma, Advocate.

For Respondent(s) : None.

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**Hon'ble Shri Ramesh Sinha, Chief Justice****Order on Board****11/03/2026**

1. The applicant has filed this criminal revision against the order dated 11.02.2026 passed by learned Family Court, Balodabazar - Bhatapara, District – Balodabazar - Bhatapara (C.G.) in Misc. Criminal Case No.58/2025, whereby, the learned Family Court



partly allowed the application under Section 144 of BNSS filed by the respondent and directed the applicant to pay Rs.10,000/- per month to respondent, towards maintenance.

2. Brief facts necessary for disposal of this revision are that the marriage between the applicant and respondent No.1 was solemnized on 13.06.2023. After a few months of marriage, the respondent left the matrimonial home and went to her parental house on 05.03.2024 and did not return despite repeated requests made by the applicant to resume cohabitation. Thereafter, the respondent filed an application under Section 144 of the BNSS seeking maintenance before the learned Family Court, Balodabazar-Bhatapara, District Balodabazar-Bhatapara (C.G.), and by order dated 11.02.2026 the learned Family Court granted maintenance of Rs.10,000/- per month in favour of the respondent. Prior to initiation of the proceedings, the dispute between the parties was placed before the community elders where it was mutually resolved that the applicant would pay Rs.25,000/- per month as maintenance and he also expressed his willingness to keep the respondent with dignity at the matrimonial home; however, the respondent chose to live separately. The applicant is an agriculturist having uncertain seasonal income and is also maintaining his aged mother who has no independent source of livelihood, whereas the respondent is educated, physically capable of earning, and had completed her post-graduation and was earlier engaged in a private job at Raipur. It is



further the case of the applicant that before the Family Court no documentary proof such as Income Tax Return, salary slip, bank statement, or agricultural income record was produced to establish his actual income, and although the learned Family Court itself recorded that the exact income of the applicant was not proved, it presumed his earning capacity and fixed maintenance of Rs.10,000/- per month without recording any specific finding regarding willful neglect or refusal on the part of the applicant and without considering his liabilities, including maintenance of his aged mother and the fact that his income is seasonal and uncertain. Hence, the present revision.

- 3.** Learned counsel for the applicant submits that the impugned order passed by the learned Family Court, Balodabazar–Bhatapara, District Balodabazar–Bhatapara (C.G.), granting maintenance is illegal, erroneous and contrary to law and therefore liable to be set-aside. The learned Family Court has failed to properly appreciate the oral as well as documentary evidence adduced by the present applicant and has mechanically passed the order without due consideration of the material available on record. He further submits that the respondent is a well-educated woman who has completed her post-graduation degree (M.Sc.) and is capable of maintaining herself. Her father was a Professor in a Government College and after his demise her brother secured employment on compassionate grounds. Moreover, the respondent's parental family owns about 27 acres



of agricultural land and a portion of the said land is also recorded in the name of the respondent, therefore she is financially capable of meeting her day-to-day expenses and the grant of maintenance in her favour is unjustified. He also submits that earlier a community settlement had taken place wherein maintenance of Rs.5,000/- per month was fixed, which clearly reflects the *bona fide* conduct of the applicant and absence of any neglect on his part; however, the same has been ignored by the learned Court while also failing to consider the responsibility of the applicant towards his dependent aged mother. Moreover, the applicant is an agriculturist having seasonal income and remains unemployed during the remaining months of the year, therefore he is not in a financial position to bear such a high amount of maintenance. Even the Hon'ble Supreme Court in *Rajnish v. Neha (2021) 2 SCC 324* has held that maintenance must be determined keeping in view the income, resources and financial status of the husband.

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 partly allowed the application under Section 144 of BNSS filed by the respondent and directed the applicant to pay Rs.10,000/- per month to respondent towards maintenance holding that the respondent had sufficient and reasonable cause to reside separately from the applicant. The learned Court, after



appreciating the oral and documentary evidence adduced by both the parties, came to the conclusion that the allegations made by the respondent regarding ill-treatment, harassment and discord in the matrimonial home could not be effectively rebutted by the applicant and that after the respondent went to her parental home on 05.03.2024, no sincere effort was made by the applicant to bring her back to the matrimonial home. The learned Family Court further recorded a finding that the respondent is presently residing with her mother and brother and is dependent upon them for her livelihood and medical expenses. Though the applicant contended that the respondent is well educated and that her parental family owns agricultural land, the Court observed that no reliable material was placed on record to establish that the respondent is earning any independent income sufficient to maintain herself. Accordingly, the Court held that the respondent is not capable of maintaining herself.

6. The learned Court also considered the financial capacity of the applicant and observed that he is involved in agricultural activities and also assists in the family business of clothing and footwear shops. Evidence on record further indicated that agricultural land stands in the name of the applicant and his family members and that agricultural production is carried out on the said land. In view of these circumstances, the learned Family Court concluded that the applicant possesses sufficient means to maintain the respondent and that it is his legal, social and moral obligation to



provide maintenance to his legally wedded wife. Consequently, taking into consideration the overall circumstances of the case, the standard of living of the parties and the earning capacity of the applicant, the learned Family Court deemed it appropriate to award maintenance of Rs.10,000/- per month to the respondent, which cannot be said to be on higher side.

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

Sd/-

**(Ramesh Sinha)**  
**Chief Justice**