



2026:CGHC:3685

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 1219 of 2023**

Jitendra Gupta S/o. Bhagwan Das, Aged About 30 Years R/o. Bazarpara, Baikunthpur, P.S. And Tahsil - Baikunthpur, District - Koriya, Chhattisgarh.

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

1 - Smt. Geeta Rani Sahu W/o. Jitendra Gupta, Aged About 21 Years Caste - Sahu, R/o. Village - Bachra Podi, Sakaria, Sahupara, P.S. - Khadgawan, Tahsil - Khadgawan, District - Koriya, Chhattisgarh.

2 - Richna, D/o. Jitendra Sahu, Aged About 1 Years Minor Through Natural Guardian Mother Smt. Geeta Rani Sahu, Caste - Sahu, R/o. Village - Bachra Podi, Sakaria, Sahupara, P.S. - Khadgawan, Tahsil - Khadgawan, District - Koriya, Chhattisgarh.

... Non-applicant(s)

For Applicant : Mr. Abhishek Choubey, Advocate.

For Non-applicants : None.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****21.01.2026**

1. Heard Mr. Abhishek Choubey, learned counsel for the applicant.
2. By way of this revision, the applicant has prayed for following relief:



It is therefore most respectfully prayed that:-

- 1 "Hon'ble Court may kindly be pleased to call the records of Misc. Criminal Case No. 64/2021 from the Court of Family Court, Manendragarh, District-Koriya, (C.G.)
- 2 Hon'ble Court may kindly be pleased to allow the instant revision and set-aside/quash the impugned judgment dated 10.12.2022, passed in Misc. Criminal Case No. 64/2021 from the Court of Family Court, Manendragarh, Distt. Koriya, (C.G.)
- 3 That, Hon'ble Court may kindly be pleased to stay the operation and effect of the order dated 10.12.2022, till the pendency of the instant revision.
4. Any other relief which this Hon'ble Court deems fit and proper in the facts and circumstances of the case."

3. Brief facts of the case are that the non-applicant No.1 along with her minor daughter filed an application under Section 125 of the Cr.P.C. seeking maintenance of ₹15,000/- per month from the applicant before the learned Family Court concerned stating in her application that the applicant and non-applicant No. 1 were married on 02.06.2019 as per Hindu rites and rituals. It is alleged that after marriage, the non-applicant No.1 was subjected to cruelty by the applicant and his family members, who allegedly demanded unlawful property and valuable security from her. Thereafter, non-applicant No. 1 lodged a complaint at Police Station Baikunthpur, and after counselling proceedings, an offence under Section 498-



A/34 of the IPC was registered against the applicant. It is further alleged that due to torture and physical assault by the applicant, she was forced to leave the matrimonial home and return to her parental house. It is stated that she is unable to maintain herself and is dependent upon her parents. Accordingly, she claimed maintenance of ₹10,000/- for herself and ₹5,000/- for non-applicant No. 2. It was also stated that the applicant is engaged in the business of fruits and clothes and owns agricultural land, from which he earns approximately ₹30,000/- to ₹40,000/- per month.

4. The reply filed by the applicant whereby denied the claim of the non-applicant No.1, wherein all the allegations made in the application were specifically denied. It was stated that neither the applicant nor his family members ever demanded anything from the non-applicant No.1 and that she was never subjected to any kind of cruelty. It was further stated that after four months of marriage, non-applicant No. 1 started pressurizing the applicant to leave his family and live separately with her and upon refusal, she threatened to falsely implicate the applicant and his family members in criminal cases or to commit suicide. In this regard, the mother of the applicant submitted a written complaint at Police Station Baikunthpur on 02.03.2020, and the applicant also submitted his complaint on 02.06.2020. However, the police issued a notice under Section 155 of the Cr.P.C., treating the matter as non-cognizable. It is further stated that the non-applicant No.1 deliberately and willfully deserted the matrimonial home. The applicant made several efforts to bring her back and during this period, non-applicant No. 2 was born;



however, thereafter the non-applicant No.1 left the matrimonial home permanently and never returned. It is alleged that she continued to threaten the applicant and his family members and demanded ₹3,00,000/- for final settlement. Since the non-applicant No.1 willfully deserted the applicant, he is not liable to pay maintenance. It is further stated that the non-applicant No.1 is capable of maintaining herself as she is employed in a company, whereas the applicant works only as a labourer at a fruit shop and earns about ₹200/- per day. Accordingly, he prays for rejection of her claim.

5. The learned Family Court concerned, after framing the issues and considering the evidence led by non-applicant No. 1 and the documents filed by the applicant, examined the material available on record and vide order dated 10.12.2022, partly allowed the application by granting maintenance of ₹3,000/- per month in favour of non-applicant No. 2, while rejecting the claim of non-applicant No. 1 on the ground that she was living separately from her husband without any sufficient cause. Being aggrieved by the said impugned order, the applicant has filed the present revision.
6. Learned counsel for the applicant submitted the judgment passed by the learned Family Court is erroneous, arbitrary, and contrary to the material available on record, having been passed on the basis of surmises and conjectures, and is therefore liable to be set aside by this Court. He further submits that the learned Family Court failed to appreciate that there was willful desertion on the part of non-applicant No. 1, despite the fact that the applicant was always



willing to keep her with him. The Family Court further ignored the complaints made by the applicant regarding harassment, threats, and illegal demands raised by the non-applicant, and also failed to consider the admission of non-applicant No. 1 that she is willfully residing at her parental home. It is further submitted that the applicant specifically disputed the paternity of non-applicant No. 2 and sought a DNA test, however, the learned Family Court overlooked this crucial aspect and, in an arbitrary manner and without conducting a DNA test, erroneously held non-applicant No. 2 to be the daughter of the applicant and fastened liability of maintenance upon him. The learned Family Court also failed to consider that the applicant has old-aged parents and a dependent sister and that he is working merely as a labourer in a fruit shop with meagre earnings, barely sufficient to maintain himself and his dependents. Despite the absence of any fault on the part of the applicant, the impugned judgment has unjustly overburdened him by awarding maintenance in favour of non-applicant No. 2, which is unsustainable in the eyes of law. Accordingly, he prays that impugned order deserves to be set-aside.

7. I have heard learned counsel for the applicant, perused the impugned order and other documents appended with revision.
8. From perusal of the impugned order, it is evident that an application under Section 125 of the Cr.P.C. was filed before the learned Family Court claiming maintenance of ₹15,000/- per month from the applicant. Upon due appreciation of the pleadings, evidence and overall facts and circumstances of the case, the learned Family



Court partly allowed the said application by granting maintenance of ₹3,000/- per month in favour of non-applicant No. 2, while rejecting the claim of non-applicant No. 1 on the ground that she was living separately from her husband without any sufficient cause. While passing the impugned order, the learned Family Court has duly considered the social status of the parties, their earning capacity, the prevailing cost of living, the number of dependents and the reasonable needs of the child. It is well settled in law that it is the legal and moral obligation of a father to maintain his minor daughter, and such responsibility cannot be shirked merely by raising bald or unsubstantiated objections. The amount of maintenance awarded in favour of non-applicant No. 2 is modest, reasonable and by no stretch of imagination can be termed as excessive or arbitrary.

9. Considering the submissions advanced by learned counsel for the applicant, perusing the documents appended with revision and finding recorded by learned Family Court, I am of the considered view that learned Family Court has not committed any illegality or irregularity in the impugned order warranting interference by this Court.
10. Accordingly, the revision being devoid of merit is liable to be and is hereby **dismissed**.
11. Office is directed to send a certified copy of this order to the Family Court concerned for necessary information and compliance.

Sd/-
(Ramesh Sinha)
Chief Justice