



CGHC010216882025



2026:CGHC:38181

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 775 of 2025**

Sanakaiya Bai W/o Late Purushottam Soni Aged About 77 Years R/o Village- Khamhi, Tahsil- Nawagarh, District Bemetara, At Present Ward No. 14, J.P. Vihar, Near Primary School, Mangla, Tahsil And District Bilaspur, Chhattisgarh.

... Applicant**versus**

1 - Bhishan Prasad Alias Goverdhan Soni S/o Late Shri Purushottam Soni Aged About 42 Years R/o Village- Pratapur Khamhi, P.S. And Tahsil- Nawagarh, District Bemetara, Chhattisgarh.

2 - Lochan Prasad Soni S/o Late Shri Purushottam Soni Aged About 36 Years R/o Village- Pratapur Khamhi, P.S. And Tahsil- Nawagarh, District Bemetara, Chhattisgarh.

3 - Deepak Prasad Soni Alias Rewat Soni S/o Late Shri Purushottam Soni Aged About 34 Years R/o Village- Pratapur Khamhi, P.S. And Tahsil- Nawagarh, District Bemetara, Chhattisgarh.

... Respondents

For Applicant	:	Mr. Manoj Kumar Sinha, Advocate
For Respondents	:	None

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****25.08.2026**

1. Mr. Sumit Singh, learned Deputy Advocate General, appearing for the State, submits that, in compliance with the order dated 24.08.2026 passed by this Court, notices upon private respondents



No.1 to 3 have already been served through the Superintendent of Police. He further submits that despite due service of notice, none appeared on behalf of private respondents No.1 to 3 when the matter was called for hearing. It is further submitted that the matter had earlier been adjourned twice on account of the non-appearance of the said private respondents. The order dated 14.08.2026 also records the fact of service of notice upon the said respondents, and the subsequent order dated 24.08.2026 further reflects that notices were again duly served through the Superintendent of Police. Despite repeated opportunities and due service of notice, the private respondents have chosen not to appear or contest the matter.

2. In view of the aforesaid circumstances, as the private respondents No.1 to 3 have been duly served with notices and have failed to appear despite repeated opportunities, the Court proceeds to hear the matter finally and decide the same on merits.
3. The applicant has preferred the present criminal revision against the order dated 05.04.2025 passed by the learned Principal Judge, Family Court, Bilaspur, District Bilaspur (C.G.), in Misc. Criminal Case No. 33/2025, whereby the application filed by applicant under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023, has been rejected and maintenance amount has not been granted to the applicant.
4. The fact of the case, in brief, are that the applicant, claiming herself to be the legally wedded wife of late Purushottam Soni and the step-mother of the respondents, instituted an application under Section



144 of the Bharatiya Nagarik Suraksha Sanhita, 2023 before the learned Family Court, Bilaspur, on 09.01.2025, seeking maintenance of Rs.20,000/- per month from the respondents. It was pleaded that the respondents are the sons of her deceased husband and had been residing with the applicant since their birth. The applicant claimed that she had brought up and maintained the respondents till they attained majority and that, during the lifetime of her husband, the respondents used to take care of her and provide her with the necessities of life. It was further pleaded that certain agricultural lands bearing Khasra Nos.477, 289, 263/2, 435/3, 354/3 and 272, situated at Village Khamhi and Pratapur, were purchased from the income of the ancestral property, her Stridhan and the amount available with her. According to the applicant, some of the said lands were recorded in her name, whereas in respect of the remaining properties, it was orally agreed that the same would be recorded in her name and her husband had also executed a Will, which, according to her, remained in the possession of the respondents. The applicant further alleged that the respondents had assured her that the income derived from the aforesaid properties would be paid to her periodically and that an amount of Rs.20,000/- per month would be provided towards her maintenance. However, except for providing some financial assistance on one occasion during her illness, the respondents allegedly failed to provide her any maintenance or share of the income derived from the properties.



5. The applicant further pleaded that she is an aged woman of about 77 years, suffering from ailments from time to time, and has no independent source of income or means to maintain herself. It was alleged that the respondents are financially capable of maintaining her and, having taken possession of and derived income from the properties belonging to the applicant and her deceased husband, are legally and morally bound to provide her financial support. The applicant also alleged that the respondents had subsequently deserted her, failed to take care of her and compelled her to reside with her widowed daughter at Bilaspur, there being no biological son of the applicant. In support of her claim, the applicant produced her statement recorded under Order XVIII Rule 4 of the CPC on 27.02.2025, wherein she reiterated that she had purchased the properties by selling her jewellery and from the income of ancestral properties, had nurtured the respondents since their childhood, and that their conduct changed after the death of her husband. She further relied upon her ration card and Aadhaar card showing the names of herself, her deceased husband and the respondents, as well as the revenue records/Kistbandi Khatoni of Village Khamhi for the year 1998-1999, showing agricultural lands standing in the name of her husband and the respondents, from which, according to her, the respondents were deriving agricultural income without providing any maintenance to her.
6. The respondents did not file their reply to the maintenance application and were proceeded ex parte on 18.02.2025.



7. That, after considering the material available on record, the learned Family Court, Bilaspur, vide order dated 05.04.2025, rejected the application filed by the applicant under Section 144 of the BNSS, 2023, holding, inter alia, that the respondents, being the step-sons of the applicant, could not be fastened with the liability to pay maintenance to her under the said provision. Aggrieved by the aforesaid order dated 05.04.2025, the applicant has preferred the present revision petition before this Court.
8. Learned counsel for the applicant submits that the impugned order dated 05.04.2025 passed by the learned Family Court, Bilaspur, is erroneous, perverse and contrary to the facts and law applicable to the case. It is submitted that the learned Family Court has failed to appreciate that the respondents have taken possession of and are deriving benefit from the agricultural lands and other properties belonging to the applicant and her deceased husband, late Purushottam Soni, some of which are recorded in the name of the applicant and/or her deceased husband in the revenue records. The applicant is an aged woman of about 77 years, her husband having died in the year 2021, and she has no independent source of income or means to maintain herself. The respondents are the sons of the second wife of late Purushottam Soni and, being the step-sons of the applicant, had been residing with her and were brought up and maintained by her. During the lifetime of her husband, the respondents were taking care of the applicant, but after his death they allegedly neglected and deserted her and have neither provided her financial assistance nor shared the income derived



from the agricultural properties. The applicant is presently residing with her widowed daughter at Bilaspur and is dependent upon her for her basic necessities. He further submits that the ration card and Aadhaar card, as well as the revenue records produced before the learned Family Court, corroborate the fact that the applicant was residing with the respondents and that the respondents are in possession of and deriving benefit from the agricultural properties. Despite having sufficient means and deriving income from the said properties, the respondents have failed to maintain the applicant.

9. Learned counsel further submits that the mere fact that the respondents are step-sons cannot, by itself, defeat the applicant's claim for maintenance, particularly when the applicant is a childless widow and is unable to maintain herself. In this regard, reliance is placed upon the judgment of the Hon'ble Supreme Court in **Kirtikant D. Vadodaria v. State of Gujarat and Another, reported in (1996) 4 SCC 479**, wherein the Hon'ble Supreme Court, while considering the claim of a step-mother, held that a childless step-mother may claim maintenance from her step-son, provided she is a widow or her husband, if living, is incapable of supporting and maintaining her. It is further submitted that Co-ordinate Bench of this Court, while applying the aforesaid principle in **Deenbandhu and Another v. Smt. Birajho Bai, decided on 15.07.2015 in CR.R. No.123/2015 and reported in 2016 (3) CGLJ 175**, held that a childless step-mother living alone and unable to maintain herself is entitled to claim maintenance from her step-sons. He submits that the ratio laid down in the aforesaid judgments



squarely applies to the facts of the present case, as the applicant is a childless widow, has no independent source of income, is of advanced age and is unable to maintain herself, whereas the respondents are financially capable and are enjoying the agricultural properties which, according to the applicant, belonged to her and her deceased husband.

10. Learned counsel further submits that the learned Family Court failed to properly appreciate the oral and documentary evidence placed on record and rejected the applicant's claim merely on the ground that the respondents are her step-sons, without considering the benevolent object of the provision relating to maintenance and the law laid down by the Hon'ble Supreme Court and this Court. It is submitted that the respondents were proceeded ex parte and did not effectively contest the applicant's claim, while the applicant's evidence regarding her age, lack of means, possession and enjoyment of the agricultural properties by the respondents, and her desertion was not properly appreciated. The respondents are financially well-off and have sufficient means to provide maintenance to the applicant. Therefore, the impugned order dated 05.04.2025 deserves to be set aside, and the applicant's application under Section 144 of the BNSS, 2023 deserves to be allowed by granting her appropriate maintenance in accordance with law.
11. I have heard learned counsel for the applicant, perused the pleadings, documents available on record and the impugned order dated 05.04.2025 passed by the learned Family Court, Bilaspur.



12. From perusal of the record, it is apparent that the applicant is an aged woman of about 77 years and the widow of late Purushottam Soni. It is not in dispute that the respondents are the sons of late Purushottam Soni through his second wife and, therefore, are the step-sons of the applicant. The applicant has specifically pleaded that she is childless, has no independent source of income and, after the death of her husband in the year 2021, the respondents have neglected and deserted her and have failed to provide her financial assistance. The applicant has also placed on record the relevant revenue documents, ration card, Aadhaar card and her statement recorded under Order XVIII Rule 4 of the CPC in support of her claim. The respondents, despite service of notice, did not appear before the learned Family Court and were proceeded ex parte. Even before this Court, despite repeated service of notice and sufficient opportunities, private respondents No.1 to 3 have neither appeared nor made any representation to contest the present revision petition.
13. The principal question which arises for consideration is whether a childless step-mother, who is a widow and is unable to maintain herself, can claim maintenance from her step-sons. In this regard, the Hon'ble Supreme Court in **Kirtikant D. Vadodaria v. State of Gujarat and Another, reported in (1996) 4 SCC 479**, has held that a childless step-mother may claim maintenance from her step-son where she is a widow or her husband, if living, is incapable of supporting and maintaining her. The said judgment recognizes that, in appropriate circumstances, the relationship of step-mother and



step-son does not by itself bar a claim for maintenance under the benevolent provisions governing maintenance.

14. The aforesaid principle has also been followed by Co-ordinate Bench of this Court in **Deenbandhu and Another v. Smt. Birajho Bai, decided on 15.07.2015 in CR.R. No.123/2015 and reported in 2016 (3) CGLJ 175**, wherein, after considering the law laid down by the Hon'ble Supreme Court in *Kirtikant D. Vadodaria* (supra), this Court held that a childless step-mother, living alone and unable to maintain herself, is entitled to claim maintenance from her step-sons. The said principle is squarely attracted to the facts of the present case, where the applicant is an aged, childless widow, has no independent source of income and claims to have been neglected after the death of her husband.
15. Considering the facts and circumstances of the case, the submissions advanced by learned counsel for the applicant, the material available on record and the fact that private respondents No.1 to 3, despite due service of notice and repeated opportunities, have chosen not to appear or contest the matter, this Court finds that the learned Family Court has failed to properly appreciate the material available on record as well as the settled legal position regarding the entitlement of a childless step-mother to claim maintenance from her step-sons. The finding of the learned Family Court that the respondents, merely because they are step-sons, cannot be fastened with any liability to maintain the applicant, cannot be sustained in view of the law laid down by the Hon'ble



Supreme Court in Kirtikant D. Vadodaria (supra) and followed by Co-ordinate Bench of this Court in Deenbandhu (supra). The applicant is aged about 77 years, is a widow, has no independent source of income and is presently dependent upon her widowed daughter for her basic necessities. The material on record further indicates that the respondents are financially capable and are deriving benefit from the agricultural properties which, according to the applicant, belonged to her and her deceased husband. At this stage, the respondents have also chosen not to controvert the claim of the applicant either before the learned Family Court or before this Court.

16. Having regard to the advanced age of the applicant, her status as a childless widow, her inability to maintain herself, the absence of any independent source of income and the obligation of the respondents to provide her financial support in the facts and circumstances of the case, this Court is of the considered opinion that the applicant is entitled to maintenance from the respondents. The amount of Rs.3,000/- per month from each of the respondents, totalling Rs.9,000/- per month, would be just and reasonable in the facts and circumstances of the present case.
17. Accordingly, the present criminal revision is **allowed**. The impugned order dated 05.04.2025 passed by the learned Principal Judge, Family Court, Bilaspur, in Misc. Criminal Case No.33/2025, whereby the application filed by the applicant under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023 was rejected, is



hereby set aside. The application filed by the applicant under Section 144 of the BNSS, 2023 is allowed. Private respondents No.1 to 3 shall pay maintenance to the applicant at the rate of Rs.3,000/- (Rupees Three Thousand) per month each, i.e. a total amount of Rs.9,000/- (Rupees Nine Thousand) per month, from the month of September, 2026, and shall continue to pay the said amount every month regularly until further orders or until the applicant ceases to be entitled to the same in accordance with law.

18. The arrears, if any, accruing from September, 2026 onwards shall be paid by the respondents to the applicant in accordance with law. The respondents shall ensure that the monthly maintenance amount is paid regularly without default.
19. In view of the aforesaid, the instant criminal revision stands **allowed** in the above terms. The private respondents, having remained absent despite due service of notice, shall be bound by the order passed herein.
20. Registrar (Judicial) is directed to transmit a certified copy of this order to the learned Family Court, Bilaspur, for information and necessary compliance.

**Sd/-
(Ramesh Sinha)
Chief Justice**

Rahul Dewangan