



CGHC010406912023

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HIGH COURT OF CHHATTISGARH AT BILASPUR

Judgment Reserved on 18.06.2026

Judgment Pronouncement on 18.09.2026

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FA(MAT) No. 5 of 2024

Praveen Kumar Yadav S/o Heeraram Yadav Aged About 26 Years Caste- Mahkul,
R/o Village- Kotba, Tahsil- Pathalgaon, District : Jashpur, Chhattisgarh

... Appellant

versus

Smt. Priyanka Yadav W/o Praveen Kumar Yadav Aged About 22 Years D/o
Nawratan Yadav, R/o - Khuntapani, Post- Kokiyakhar, Tahsil- Pathalgaon, District :
Jashpur, Chhattisgarh

... Respondent

For Appellant	:	Mr. Navneet Kumar Yadav, Advocate
For Respondent	:	Ms. Madhunisha Singh, Advocate

Hon'ble Shri Justice Parth Prateem Sahu
Hon'ble Shri Justice Sachin Singh Rajput, JJ

C A V Judgment

Per Sachin Singh Rajput, J.

This appeal has been filed against the judgment and decree dated 20.11.2023 passed by Family Court, Jashpur, CG in Civil Suit No. 30-A/2023 rejecting the application filed by the appellant/husband under Section 9 of the Hindu Marriage Act, 1955 (for short "Act of 1955") for Restitution of Conjugal Rights.

2. The marriage between the parties took place on 07.02.2022 as per Hindu Rights and Rituals at Village Khutapani. Till October 2022, the relations between the

two were cordial. Meanwhile, she became pregnant. On 19.10.2022 having received an information of illness of the mother of respondent/wife, the appellant/husband dropped her at her maternal home. On 23.10.2022 the appellant/husband went to take back the respondent/wife and after Diwali festival he returned on 27.10.2022. The respondent/wife however, refused to accompany him to Kunkuri where he used to work. Thereafter, on 31.10.2022, 07.11.2022 and 11.11.2022 the appellant/husband visited the maternal home of the respondent/wife followed by his parents on 24.11.2022 for taking the respondent/wife back but she refused to get back and misbehaved with them also coupled with a threat their implication in a false case.

3. The appellant/husband also filed an application under Sections 97 and 98 of CrPC before SDO, Patthalgaon for taking back the respondent/wife but she under the pressure of her parents refused to return, and for that his application came to be rejected on 31.03.2023. Registered notice sent by the appellant/husband on 06.03.2023 also did not bear any fruit nor did she make any effort to resume matrimonial bond, and is living separately without any sufficient reason. Despite several efforts, the respondent/wife is stated to be unwilling to live with the appellant/husband though she is obliged to discharge the matrimonial obligations.

4. The respondent/wife in her written statement has stated that on account of her being subjected to ill-treatment and manhandling by the appellant/husband and his parents on 19.02.2022 she had suffered a miscarriage. The Swift four wheeler given in marriage by her parents was complained to be a cheaper one and just a week after the marriage the appellant/husband, his parents, brother and maternal uncle started raising a demand of Creta car and cash of rupees five lacs. She is stated to be residing in her parents house since 19.10.2022 but nobody bothered to take her back. Though the appellant/husband had come to her maternal home in Diwali times, he returned alone in spite of her being ready to accompany him. At that time, he also picked up quarrel reiterating the aforesaid demand. She had made a complaint at various places including Sakhi Centre Jashpur regarding her

harassment at the hands of appellant/husband. According to her, the notice issued by the appellant/husband was duly replied to on 01.04.2023 through an advocate. She also filed an application in relation to domestic violence as she was harassed by the appellant/husband and his family members in all possible views which made it difficult for her to live with the appellant/husband. Not only this, he also kept with him the Education Certificates, Adhaar Card, Caste Certificate and Bank Passbook etc. of the respondent/wife. In her report to Women Cell she has made a categorical allegation that the appellant/husband had an illicit affair with some other girl and she herself had seen the objectionable photos and messages in his mobile phone. When she asked him to discontinue all such objectionable activities, he subjected her to beating and also threatened to eliminate her. Not only this, he never provided medical treatment when she fell ill. His tortuous attitude towards her for bringing less dowry was also causing mental cruelty to her. While living at Kunkuri, the appellant husband used to leave for his workplace by confining her in a room. One of the relatives of the husband had even made an utterance of giving poison to her so that nobody would have any suspicion. Her allegation further runs that because of the ill-treatment coupled with manhandling by the husband led to miscarriage also, which she was prohibited to disclose to anyone or else she would be done away with. With these pleadings she has prayed for rejection of the application filed by the appellant/husband and also for an amount of rupees fifty lacs from him towards alimony.

5. The aforesaid pleadings led to framing of three issues which all have been decided by the learned Family Court eventually culminating in rejection of the suit filed by the appellant/husband. Hence this appeal.

6. Learned counsel for the appellant/husband submits that the finding recorded by the learned Family Court rejecting the application filed by the appellant/husband under Section 9 of the Act of 1955 are without proper appreciation of the material available on record. He submits that the allegations of dowry demand, assault and harassment levelled by the respondent are false, afterthought and unsupported by

reliable evidence. According to him, the appellant has always been ready and willing to discharge his matrimonial obligations and has made all possible efforts to restore the matrimonial relationship but it is the respondent/wife who did not turned up. In these circumstances the judgment impugned needs to be set aside.

7. Per contra, learned counsel for the respondent/wife submits that the respondent/wife did not withdraw from the society of the appellant/husband without any cause rather she was compelled to reside at her parental home on account of continuous ill-treatment, physical assault and dowry demands made by him and his family members. It is submitted that a demand for a Creta vehicle and Rs. 5,00,000/- in cash was made soon after the marriage and that the respondent/wife had also suffered miscarriage on account of the alleged assault and harassment. It is further submitted that the respondent/wife had lodged complaints before the competent authorities, including the Sakhi Centre, Jashpur, and had also initiated proceedings relating to domestic violence. As regards the appellant's assertion that he repeatedly made efforts to bring her back, it is contended that his conduct during the Diwali visit was not conducive to restoration of matrimonial life and being so, the respondent/wife had sufficient and reasonable cause to live separately. In these circumstances, the judgment impugned needs no disturbance by this Court.

8. Heard counsel for the parties and perused the material available on record.

9. On an overall consideration of the pleadings, evidence and material available on record, this Court finds that although the respondent/wife has admittedly been residing separately from the appellant/husband, the appellant has failed to establish that such withdrawal from his society was without reasonable excuse within the meaning of Section 9 of the Act of 1955. The question is not merely whether the respondent/wife has withdrawn from the company of the appellant/husband, but whether such withdrawal was without sufficient and reasonable cause. In the present case, the allegations made by the respondent/wife regarding ill-treatment and manhandling, demand of dowry in the form of a Creta vehicle and cash of

₹5,00,000/-, as well as the circumstances surrounding her miscarriage, assume significance when considered in the backdrop of the complaints and proceedings initiated by her in relation to domestic violence and the other circumstances brought on record. These aspects, taken cumulatively, cannot be brushed aside or treated as wholly irrelevant to the question of whether the respondent/wife had reasonable justification for living separately. This Court also finds it material that the appellant/husband had retained in his custody the educational and other public documents of the respondent/wife and did not return the same despite her repeated requests. The learned Family Court had, in this regard, directed the return of such documents to the respondent/wife, while also observing that, in the event of non-compliance, she would be at liberty to proceed in accordance with law. The withholding of documents belonging to the respondent/wife, particularly when their return had been repeatedly sought, constitutes an additional circumstance which cannot be ignored while assessing the overall conduct of the parties. Viewed in conjunction with the other material on record, this circumstance lends support to the respondent/wife's case that the matrimonial relationship had become strained and that her decision to reside separately was not without justification.

10. The material available on record, therefore, indicates that the respondent/wife has succeeded in furnishing a reasonable and plausible explanation for remaining apart from the company of the appellant/husband. The mere fact that the appellant/husband made repeated visits to the parental home of the respondent/wife or issued a legal notice expressing his willingness to resume matrimonial cohabitation cannot, by itself, establish that her refusal to return was without reasonable cause. Such subsequent expressions of willingness have to be considered in the context of the circumstances prevailing between the parties and the evidence already brought on record. The conduct of the parties, viewed as a whole, thus does not justify a finding that the respondent/wife had withdrawn from the society of the appellant/husband without reasonable excuse.

11. Consequently, upon a cumulative assessment of the pleadings, evidence and

circumstances appearing on record, this Court finds no perversity, illegality or material infirmity in the judgment and decree passed by the learned Family Court dismissing the application preferred by the appellant/husband under Section 9 of the Act of 1955. The findings recorded by the learned Family Court are supported by the material available on record and do not call for interference in the present appeal. The impugned judgment and decree are, accordingly, affirmed. Appeal is dismissed.

Sd/-
(Parth Prateem Sahu)
Judge

Sd/-
(Sachin Singh Rajput)
Judge

Pawan/J