



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 3<sup>RD</sup> DAY OF JULY, 2023**

**BEFORE**

**THE HON'BLE MR JUSTICE H.P.SANDESH**

**REV.PET FAMILY COURT NO. 136 OF 2023**

**BETWEEN:**

1. SRI UMESH H.L.  
S/O. LAKSHMANA,  
AGED ABOUT 34 YEARS,  
RESIDING AT MEGALA HANDI,  
HANDI POST,  
CHIKKAMAGALURU TALUK  
AND DISTRICT-570 201.

...PETITIONER

(BY SRI VIJAY KASHYAP S., ADVOCATE)

**AND:**

1. SMT.JYOTHI  
W/O. UMESH,  
AGED ABOUT 23 YEARS,  
RESIDING AT HOSAHALLI,  
AVATI POST,  
CHIKKAMAGALUR TALUK  
AND DISTRICT-570 201.

...RESPONDENT

THIS RPFC IS FILED UNDER SECTION 19(4) OF THE FAMILY COURTS ACT, AGAINST THE ORDER DATED 02.05.2023 PASSED IN CRI.MISC.NO.112/2022 ON THE FILE OF THE PRINCIPAL JUDGE, FAMILY COURT, CHIKKAMAGALURU, ALLOWING THE PETITION FILED UNDER SECTION 125 OF CR.P.C FOR MAINTENANCE.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, THE COURT MADE THE FOLLOWING:





**ORDER**

Heard the learned counsel for the petitioner.

2. This revision petition is filed against the order dated 02.05.2023 passed in Cri.Misc.No.112/2022 on the file of the Principal Judge, Family Court, Chikkamagaluru, allowing the petition filed under section 125 of Cr.P.C for maintenance, wherein the Court has granted maintenance of Rs.20,000/- per month to the wife.

3. It is the contention that the Court has also taken note of the fact that the respondent herein has pleaded before the Court that this petitioner is running U.S. Paying Guest House for Women and Men. The respondent has also pleaded that the petitioner is also running U. Solution and G. Esquare Consultancy and getting the income. But, in the evidence, this petitioner took the defence that he is working in the said company and not produced any document to prove the fact that he is working there. Hence, the Trial Court taking into note of the maintenance claimed and also the fact that the respondent is residing in a rented house at Chikkamagalur Taluk and District and also considering the very pleading that



the petitioner is working in the said U. Solutions and G. Esquare Consultancy and except the oral evidence, he has not placed any document before the Court, comes to the conclusion that the respondent has obtained a house on rent and this shows that his financial position is very good. From the available evidence, it can be very well gathered that the minimum monthly income of the respondent is Rs.50,000/- to Rs.60,000/- and considering the social status to which the parties belong and the income of the respondent, awarded a sum of Rs.20,000/- per month as maintenance. Hence, the petitioner-husband has filed this petition.

4. Learned counsel for the petitioner would vehemently contend that the Court has awarded maintenance of Rs.20,000/- per month by presuming his income and the same is based on surmises and conjectures and hence, the very approach of the Court is erroneous. The reasoning given by the Court is also not based on any material and only presumed that the petitioner is getting income of Rs.50,000/- to Rs.60,000/- per month. The counsel also would contend that the petitioner categorically stated that his earning is Rs.10,000/- per month and he is working in the company and



inspite of it, the Court passed such an order. The Court also committed an error in not taking into consideration the fact that the respondent is a graduate and well qualified and previously, she was earning.

5. Having heard the learned counsel for the petitioner and also on perusal of the material on record, the Trial Court has extracted the evidence in Para No.11 and also in Para No.12 taken note of the production of documents i.e., Exs.P7 and P8 i.e., the complaint given by the respondent herein for neglecting her and subjecting her for cruelty. The Court also in Para No.17 observed that the Court has to take note of the status of the parties by relying upon the judgment of the Apex Court in **RAJNESH VS. NEHA** reported in **(2021) 2 SCC 324**. The Court has also taken note of the fact that the petitioner herein has not produced any document with regard to his income and even, not filed any affidavit about his assets and liabilities and apart from that, the Court has also taken note of the fact that the petitioner contend that he is working in U. Solutions and G. Esquare Consultancy but, not produced any material before the Court.



6. However, it is the case of the respondent-wife that the petitioner is running the same and she has specifically pleaded that the petitioner is running the same but, he claims that he is only an employee and there is no document to prove the same, except the oral evidence. Hence, having considered the status of the parties as well as the cost and standard of living, the maintenance of Rs.20,000/- per month as awarded by the Court is not exorbitant as contended by the learned counsel for the petitioner. Therefore, I do not find any merit in the petition.

Accordingly, the revision petition is dismissed.

**Sd/-**  
**JUDGE**

ST  
List No.: 1 Sl No.: 61