



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF JANUARY, 2024

BEFORE

THE HON'BLE MR JUSTICE HANCHATE SANJEEVKUMAR

REV.PET FAMILY COURT NO. 142 OF 2015

BETWEEN:

MOHAN SHETTIGAR
S/O LATE NARAYANA SHETTIGAR
AGED 51 YEARS
SHIVAPURA, KARKALLA TALUK - 571 207

...PETITIONER

(BY SRI. VISHNU SHARMA. B.V. ADVOCATE FOR
SRI. SACHIN B S, ADVOCATE)

AND:

1. SMT YASHODA
W/O MOHAN SHETTIGAR,
AGED 43 YEARS,
HOUSE WIFE
BAJPE MANGALURU - 571204
2. SRI YAJNESH
S/O YASHODA
AGED 24 YEARS
3. SRI VISHNUMURTHY
S/O YASHODA
AGED 17 YEARS

ALL ARE RESIDING AT PADI MANE
PALADKA, MANGALURU TALUK,
D.K. - 571204.

...RESPONDENTS

(BY SRI. SANDEEP.B. AMICUS CURIEA FOR R1;
R2- SERVED;R3 H/S V/O DATED 02/07/2021)

THIS RPFC IS FILED UNDER SEC. 19(4) OF FAMILY
COURTS ACT, AGAINST THE JUDGMENT AND DECREE DATED
26.05.2015 PASSED IN CRL.M.C.NO.16/2014 ON THE FILE OF
THE FAMILY COURT AT D.K. MANGALURU, PARTLY ALLOWING
THE PETITION FILED UNDER SEC.125 OF CRL.P.C. IN TIME CF





KEPT OPEN IA 1/15 FOR STAY IA 1/15 FILED UNDER SEC.151 OF CPC., 1908 PRAYING THIS HON'BLE COURT TO STAY THE IMPUGNED JUDGMENT DATED 26.05.2015 ON THE FILE OF PRINCIPLE JUDGE, FAMILY COURT, D.K.MANGALURU IN THE INTEREST OF JUSTICE AND EQUITY.

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

ORDER

This revision petition is filed by the husband calling in question the order of maintenance granted by the Principal Judge, Family Court, D.K., Mangaluru.

2. The relationship of the petitioner and respondents herein are not disputed. The petitioner is the husband and respondent No.1 is the wife and respondent Nos.2 and 3 are the children of petitioner and respondent No.1. Respondent No.1 filed the petition under Section 125 of Cr.P.C. before the Family Court praying for maintenance. It is alleged that petitioner has deserted the wife and the children. The Family Court has granted maintenance of Rs.4,000/- per month to the respondent No.1/wife and Rs.3,000/- per month to the respondent No.3/minor son till he attains the age of majority. The



petition insofar as respondent No.2/son is dismissed on the ground that he has attained the age of majority. This order of granting maintenance is challenged by the petitioner/husband.

3. Heard the arguments of Sri.Vishnu Sharma, learned counsel for Sri.Sachin B.S. appearing for the petitioner/wife and Sri.Sandeep B, learned Amicus Curiae for the respondent/husband and perused the materials on record.

4. Even though notices are served, respondents have remained absent. But, respondent No.1 being a wife, she is entitled for free legal aid as per Section 13 of the Legal Services Authorities Act. Accordingly, to prevail the legal assistance to the wife, an Advocate by name Sri.Sandeep B is appointed as Amicus Curiae to assist the Court as well as to be present for respondent No.1/wife.

5. The petitioner has not disputed the relationship with the respondents, therefore, Family Court has granted



the maintenance. It is submitted that the petitioner is a daily wage employee working in a printing press as a printer by receiving daily wage of Rs.200/- to Rs.300/-, but the Family court is correct in appreciating that the petitioner being a skilled workman working in a printing press as technologist and also the petitioner being a owner of agricultural land, assessed that petitioner must have been earning Rs.20,000/- per month. The finding arrived at by the Family Court does not suffer from any perversity or illegality. Therefore, when it is proved that the petitioner is earning a minimum of Rs.20,000/- per month, then grant of maintenance of Rs.4,000/- per month to the wife and Rs.3,000/- to minor son till attaining the age of majority, is found to be just, proper and correct. Therefore, petition is devoid of merits calling interference to the order passed by the Family Court. Hence, petition is dismissed for devoid of merits.



6. The Secretary, High Court Legal Services Committee is directed to pay a professional fee of Rs.5,000/- to the learned Amicus Curiae - Sri.Sandeep B.

Sd/-
JUDGE

DR
List No.: 1 SI No.: 27