



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 9TH DAY OF JANUARY, 2024
BEFORE
THE HON'BLE MR JUSTICE HANCHATE SANJEEVKUMAR
REV.PET FAMILY COURT NO.193 OF 2016**

BETWEEN:

1. NAGARATHNA
W/O KEMPARAJU,
AGED ABOUT 21 YEARS
2. DURGASHREE
D/O KEMPARAJU
AGED ABOUT 4 YEARS
SINCE MINOR,
REPRESENTED BY HER MOTHER
AND NATURAL GUARDIAN-1ST PETITIONER

BOTH ARE RESIDING AT SASALU VILLAGE,
HONNUDIKE POST, GULUR HOBLI,
TUMKUR TALUK AND DISTRICT
KARNATAKA - 572 101.

...PETITIONERS

(BY SRI.KUSHAL GOWDA, ADVOCATE FOR
SRI. Y.T ABHINAY, ADVOCATE)

AND:

KEMPARAJU
S/O NARASIMHAIAH,
AGED ABOUT 25 YEARS
AND RESIDING AT SIDDEBEGUR VILLAGE,
MULUKUNTE POST,
HEBBUR HOBLI,
TUMKUR TALUK AND DISTRICT
KARNATAKA - 572 101

...RESPONDENT

(BY SRI. B. KESHAV MURTHY, ADVOCATE)





THIS RPFC IS FILED UNDER SEC. 19(4) OF THE FAMILY COURTS ACT, 1964, AGAINST THE JUDGMENT AND DECREE DATED 27.9.2016 PASSED IN C.MIS.No.2/2015 ON THE FILE OF THE PRL. JUDGE, FAMILY COURT AT TUMAKURU, PARTLY ALLOWING THE PETITION FOR MAINTENANCE.

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

JUDGMENT

The revision petition is filed by the wife and child seeking enhancement of maintenance amount awarded by the Prl. Judge, Family Court, Tumakuru, in C.Misc.No.2/2015.

2. The relationship between the petitioners and respondent is not disputed. The petitioner No.1 is the wife of respondent and petitioner No.2 is the daughter of respondent and petitioner No.1. It is the case of the petitioners that marriage of the petitioner No.1 along with respondent was performed against her wishes and then respondent started to assault and ill-treat petitioner No.1/wife and was demanding to bring more dowry amount. Even the parents of petitioner No.1/wife paid the amount to the respondent for purchase of goats, but the



respondent/husband continued to ask the amount. When the parents of petitioner No.1/wife failed to pay some more amount, the respondent started to ill-treat the petitioners and the petitioners were constrained to desert the respondent. Therefore, petitioners filed a petition seeking maintenance under Section 125 of Cr.P.C. and the Family Court has granted a sum of Rs.2,000/- per month as maintenance to petitioner No.2/child and rejected the maintenance in respect of petitioner No.1/wife.

3. Being aggrieved by this, wife and child have preferred this revision petition.

4. The relationship between the petitioners and respondent is not disputed as discussed above. It is submitted by the learned counsel for the respondent/husband that even though the parents of the respondent are having 1½ acres agricultural land, it is respondent who is cultivating the said land and is earning some amount of income to lead the family. At the same time, petitioner No.1 being the wife, though constrained to



work in garments factory, it is inevitable for them to work for their livelihood. Therefore, just because the wife is working in garments factory, it does not exonerate the responsibility on the part of respondent/husband to maintain his wife. It is submitted that petitioner No.2/child is deaf and dumb and she is being looked after by petitioner No.1/wife. Therefore, petitioner No.1/wife is constrained to nurture and look after her physically disabled child and for the said reason, the child requires some more maintenance amount. Just because the sister of petitioner No.1/wife is residing in the respondent's house and she is comfortable in the home, that cannot be a ground to deny the maintenance amount to the petitioner No.1/wife.

5. The petitioners were constrained to leave the companionship of the respondent/husband. Therefore, the wife also requires maintenance amount. Hence, in this regard, the maintenance amount of Rs.2,000/- is awarded to the petitioner No.1/wife and additional sum of



Rs.1,000/- is awarded to petitioner No.2/child in addition to what has been awarded by the Family Court, considering that respondent/husband along with his parents has only 1½ acres of agricultural land.

6. In terms of the above, the petition is liable to be allowed in part. Hence, I proceed to pass the following:

ORDER

- (i) The revision petition is ***allowed in part.***
- (ii) A sum of Rs.2,000/- is awarded to petitioner No.1/wife and additional sum of Rs.1,000/- is awarded to petitioner No.2/child in addition to what has been awarded by the Family Court from the date of petition.

**Sd/-
JUDGE**

DR
List No.: 1 Sl No.: 14