



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF JANUARY, 2024

BEFORE

THE HON'BLE MR JUSTICE HANCHATE SANJEEVKUMAR

REV. PETITION FAMILY COURT NO.177 OF 2017

BETWEEN:

MASTER. SONISH J
S/O M S DIVYAMBA B.C.,
NO.185, 9TH C MAIN ROAD,
VIJAYANAGAR,
BENGALURU - 560 040
SINCE MINOR REPRESENTED BY HIS MOTHER AND
NATURAL GUARDIAN
SMT. DIVYAMA B C

...PETITIONER

(BY SRI. H.V. KRISHNAMURTHY FOR
SRI. LEELADHAR H P, ADVOCATE)

AND:

SRI. M.B. JYOTHI PRAKASH
S/O BHASKARACHARAYA,
AGED ABOUT 45 YEARS,
R/AT NO.76, LIG
1ST STAGE, 4TH MAIN ROAD,
KUVEMPU NAGAR
MANDYA - 571 401

...RESPONDENT

(BY SRI. SARAT CHANDRA BIJAI AND
SRI. T.K. MOHAN DAS, ADVOCATES)

THIS RPFC FILED UNDER SEC.19(4) OF THE FAMILY
COURTS ACT., AGAINST THE ORDER DATED 13.4.2017 PASSED





IN CRL.MISC.NO.460/2012 ON THE FILE OF THE VI ADDL. PRL. JUDGE, FAMILY COURT, BANGALORE, PARTLY ALLOWING THE PETITION FILED UNDER SEC.125 OF CR.P.C FOR MAINTENANCE.

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

ORDER

This revision petition is filed by the son against the father-respondent calling in question the order of the Family Court in not granting adequate maintenance amount.

2. The relationship between the petitioner and respondent as son and father is not disputed. The mother of the petitioner being minor guardian has filed the petition under Section 125 r/w Section 127 of Cr.P.C., for seeking enhancement of maintenance to Rs.5,000/- from Rs.700/- p.m., granted in M.C.No.1595/2003 by the Family Court, Bengaluru. Therefore, for seeking enhancement of maintenance amount, an application is filed under Section 125 r/w Section 127 of Cr.P.C.



3. The Family Court has enhanced the maintenance amount by Rs.1,000/- p.m., in addition to Rs.700/- p.m., granted earlier in M.C.No.1595/2003. The respondent has passed Master of Education and Master of Library Science and he is presently working as a lecturer in the college. Further the respondent is the owner of agricultural land. Therefore, when the petitioner has stated that the respondent is working as a lecturer and was receiving salary of Rs.35,000/- pm., it is the bounden duty on the part of the respondent being father to maintain his son.

4. Therefore, the Family Court has committed error in awarding meager maintenance amount of Rs.1,700/-, in all which is enhanced to Rs.1,000/- pm., in addition to Rs.700/- already granted. Therefore, the order passed by the Family Court is modified and accordingly, it is directed to the respondent to pay monthly maintenance of Rs.8,000/- to the petitioner-son till the petitioner-son attains the age of majority.



5. Accordingly, I proceed to pass the following

ORDER

- i. The petition is ***allowed in part.***
- ii. The impugned orders dated 13.04.2017 passed in Crl.Misc.No.460/2012 by VI Addl. Principal Civil Judge, Family Court, Bengaluru, is hereby modified.
- iii. The respondent to pay monthly maintenance of Rs.8,000/- to the petitioner-son till the petitioner-son attains the age of majority.
- iv. No order as to costs.
- v. Pending I.As., if any, do not survive for consideration and it is disposed of.

**Sd/-
JUDGE**

PB
List No.: 2 SI No.: 25