



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**  
**DATED THIS THE 9<sup>TH</sup> DAY OF JANUARY, 2024**  
**BEFORE**  
**THE HON'BLE MR JUSTICE HANCHATE SANJEEVKUMAR**  
**REV.PET FAMILY COURT NO. 189 OF 2017**

**BETWEEN:**

1. SMT. MEENAKSHI  
W/O. SENTHURPATHI,  
AGED ABOUT 38 YEARS,
2. VAISHNAVI .S,  
D/O. SENTHURPATHI,  
AGED ABOUT 15 YEARS,  
MINOR REPRESENTED BY  
MOTHER, NATURAL GUARDIAN,  
SMT. MEENAKSHI

BOTH ARE R/AT  
NO. 32, JAYADEVANAGARA,  
2<sup>ND</sup> CROSS, METAGANAHALLI,  
K.R.S. ROAD, MYSURU - 570 022.

...PETITIONERS

(BY SRI. S.N. BHAT, ADVOCATE)

**AND:**

SRI. SENTHURPATHI  
S/O. A. PONNAM BALAM,  
AGED ABOUT 47 YEARS,  
R/AT NO. 30, 3RD CROSS,  
BOGADI, 2ND STAGE,  
MYSURU-570 024.

...RESPONDENT

(BY SRI. CHANDRAKANTH R. GOULAY, ADVOCATE)

THIS RPFC IS FILED UNDER SEC.19(4) OF THE FAMILY COURT ACT, AGAINST THE JUDGMENT DATED: 09.08.2017 PASSED IN C.MISC.NO.82/2014 ON THE FILE OF THE PRINCIPAL JUDGE, FAMILY COURT, MYSURU, PARTLY ALLOWING THE PETITION FILED UNDER SEC.125 OF CR.PC.





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 awarded by the Principal Judge, Family Court, Mysuru. The Family Court has not granted maintenance amount by rejecting the petition of petitioner No.1 (wife) and awarded maintenance of Rs.5,000/- per month to petitioner No.2/daughter. Therefore, for grant of maintenance to petitioner No.1/wife and for enhancement of maintenance awarded to petitioner No.2/daughter, the present revision petition is filed.

2. It is stated that petitioner No.1 is the wife of respondent and petitioner No.2 is the daughter of respondent and petitioner No.1. The relationship is not disputed. The petitioners were constrained to leave the companionship of respondent and started to reside separately. Therefore, petitioners filed the petition under



Section 125 of Cr.P.C. claiming maintenance of Rs.15,000/- per month from the respondent/husband and Family Court has awarded maintenance of Rs.5,000/- to the petitioner No.2/daughter and rejected the petition filed by the petitioner No.1/wife on the ground that respondent/husband has paid a sum of Rs.3,00,000/- to the petitioner No.1/wife and she is earning income out of that amount, which is admitted by the petitioner No.1/wife also that respondent/husband has given gold ornaments to the petitioner No.1/wife. Therefore, instant revision petition is filed.

3. Heard the arguments of both sides and perused the records.

4. Learned counsel for the revision petitioners submitted that rejection of maintenance amount to petitioner No.1/wife is not correct, since respondent/husband has suspected the fidelity of the petitioner No.1/wife. Further it is submitted that the petitioners were constrained to leave the house of the



respondent/husband and now they are residing in Mysuru City. Further, it is submitted that meager amount of Rs.5,000/- granted to the petitioner No.2/daughter is not sufficient, hence prays for enhancement of maintenance amount to the petitioner No.2/daughter and grant of maintenance to the petitioner No.1/wife. Further it is submitted that the respondent/husband is the owner of house, owns two vacant sites at Mysuru and he keeps travelling to Canada often as stated in the affidavit. As such, the respondent/husband is having financial viability and therefore, petitioner No.1/wife prays to grant maintenance amount.

5. On the other hand, learned counsel for the respondent/husband submitted that petitioner No.1/wife is not entitled to maintenance, since she has left the house voluntarily and the respondent/husband has paid a sum of Rs.3,00,000/- to petitioner No.1/wife and she is earning interest from that amount and also the petitioner No.1 has admitted in her cross examination that she has received



gold ornaments weighing 350 grams and also Kinetic Honda and other gold ornaments. When gold ornaments and vehicle is given to the petitioner No.1/wife, she is not entitled for any maintenance. Therefore, learned counsel for the respondent/husband prays for dismissing the petition.

6. The relationship between the parties as discussed above, is not disputed. The Family Court has rejected the petition of the petitioner No.1/wife on the ground that respondent/husband has given gold ornaments worth 350 gms, other gold ornaments and also Kinetic Honda, which are admitted by petitioner No.1/wife. Therefore, denied granting maintenance amount to petitioner No.1/wife. The Family Court has granted maintenance of Rs.5,000/- per month to the petitioner No.2/daughter from the date of petition till she gets married.

7. The respondent/husband and petitioner No.1/wife both have filed their statement of assets and



liabilities in the form of affidavit. Firstly, upon considering the affidavit filed in the form statement of assets and liabilities of respondent/husband, the respondent/husband is having own house and two vacant sites measuring 6 mtrs x 9 mtrs at Bhogadi, Mysuru city. It is stated in the affidavit that the said property is a self acquired property of the respondent/husband, which shows financial viability of the respondent/husband. Furthermore, the respondent/husband has given details in the affidavit to the effect that he was residing in abroad outside India for temporarily in Canada. Now, the respondent/husband may be residing in India at Mysuru city, but he was travelling to Canada often as stated in the affidavit. The affidavit of the respondent/husband also shows that mother of respondent is aged 92 years and she is residing alone along with respondent/husband. Therefore, respondent/husband is having responsibility of maintaining his mother and there are no other dependents of the respondent/husband. Therefore, upon considering the affidavit of statement of assets and liabilities of the



respondent/husband, it proves that respondent/husband is having sufficient income.

8. Insofar as the affidavit of assets and liabilities filed by the petitioner No.1/wife is concerned, it says respondent's qualification is B.E. in Electronics, he is doing real estate, electrical items repairs and earning Rs.50,000/- to Rs.55,000/- per month. Regarding immovable property, what is deposed by the respondent/husband is stated in the affidavit filed by the petitioner No.1/wife. The petitioner No.1/wife has filed the affidavit relating to child to the effect regarding education expenses, school fees, etc., and stated that the child requires expenditure of Rs.6,000/- per month. Further it is to be considered that both parties are residing in Mysuru City and when compared to other towns, the living and personal expenses in Mysuru City are more.

9. The respondent/husband has not countered the said affidavit saying that petitioner No.1/wife is having immovable properties. Just because the



respondent/husband has given a sum of Rs.3,00,000/- to the petitioner No.1/wife and has given gold to the quantity of 350 gms, Kinetic Honda, that cannot be the reason to deny the grant of maintenance to the petitioner No.1/wife. The petitioner No.1/wife is under the obligation to maintain and nurture the petitioner No.2/daughter. Due to separation of respondent/husband and petitioner No.1/wife, the petitioner No.2/daughter is constrained to live with her mother. It is the responsibility of the petitioner No.1/wife to perform her marriage. Even though the learned counsel for the respondent/husband submitted that respondent/husband is ready to take the responsibility of performing marriage of the daughter i.e., his obligation to perform his daughter's marriage, that cannot be the reason to deny maintenance to the petitioner No.1/wife and petitioner No.2/daughter.

10. Further, in the affidavit filed by petitioner No.1/wife it is deposed that petitioner No.1/wife is having a liability of loan of Rs.3,00,000/- for herself and for her





daughter's expenses. Therefore, upon considering the affidavits produced by respondent/husband and petitioner No.1/wife, it is proved that the respondent/husband is having sufficient income and is having financial viability to maintain his wife and daughter and at the same time, the petitioner No.1/wife being mother of the petitioner No.2/daughter has more responsibility of the daughter. Therefore, the reasoning given by the Family Court that respondent/husband has given Rs.3,00,000/- to the petitioner No.1/wife and has given gold to the quantity of 350 gms and two wheeler, as discussed above to the petitioner No.1/wife, cannot be the reason to deny the maintenance amount to the petitioner No.1/wife.

11. Therefore, upon considering both the aspects of respondent's legal obligation and first petitioner's obligation, it is hereby directed to respondent/husband to pay the maintenance amount to petitioner No.1/wife and enhanced amount to petitioner No.2/daughter. Accordingly, the order passed by the Family Court in



rejecting the petition for maintenance filed by the petitioner No.1/wife is concerned, is set aside and accordingly, maintenance amount of Rs.8,000/- per month is granted to the petitioner No.1/wife and petitioner No.2/daughter is awarded enhanced maintenance of Rs.2,000/- per month in addition to what has been awarded by the Family Court till her marriage.

12. Accordingly, I proceed to pass the following:

ORDER

- (i) The revision petition filed by the petitioners is allowed.
- (ii) The order dated 09.08.2017 passed by Principal Judge, Family Court, Mysuru, in C.Misc.No.82/2014, is set aside insofar as rejecting petition filed by the petitioner No.1/wife and modified to the extent of awarding maintenance of Rs.8,000/- per month



to petitioner No.1/wife from the date of petition.

- (iii) The petitioner No.2/daughter is awarded enhanced maintenance of Rs.2,000/- per month from the date of petition till her marriage in addition to what has been awarded by the Family Court.
- (iv) No order as to costs.

**Sd/-  
JUDGE**

DR  
List No.: 1 Sl No.: 16