



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF JANUARY, 2024

BEFORE

THE HON'BLE MR JUSTICE HANCHATE SANJEEVKUMAR

REV.PET FAMILY COURT NO. 4 OF 2017

C/W

REV.PET FAMILY COURT NO. 61 OF 2014

IN RPFC NO.4/2017

BETWEEN:

SRI. A. SHANTHAPPA,
S/O LATE R. ANANTHAPPA,
AGED ABOUT 57 YEARS,
RESIDING AT D.NO.644-11,
II STAGE, RAJIV NAGAR,
MYSORE - 570 001.

AND ALSO WORKING AT:
DRAWING TEACHER,
ST. FRANCIS ASSISI,
HIGH SCHOOL,
MAHADESHWARA HILLS ROAD,
KOLLEGALA TALUK,
CHAMARAJANAGARA DISTRICT.

...PETITIONER

(BY SRI. RAJARAM SOORYABAIL, ADVOCATE)

AND:

SMT. PREMA MARY,
D/O CHEVARAPPA,
CHOWRAPPA,





NC: 2024:KHC:462
RPFC No. 4 of 2017
C/W RPFC No. 61 of 2014

AGED ABOUT 46 YEARS,
RESIDENT OF
ANNENAHALLI VILLAGE,
GUNGRAMALA POST,
TIPTUR TALUK,
TUMKURU DISTRICT - 572 101.

...RESPONDENT

(BY SRI. L.M. RAMAIAH GOWDA, ADVOCATE)

THIS RPFC IS FILED UNDER SEC.19(4) OF THE FAMILY COURTS ACT,1984., AGAINST THE ORDER DATED 30.01.2014 PASSED IN C.MIS.221/2009 ON THE FILE OF THE PRL. JUDGE, FAMILY COURT, MYSORE. PARTLY ALLOWING THE PETITION FILED UNDER SEC.125 OF CR.P.C. FOR MAINTENANCE.

IN RPFC NO.61/2014

BETWEEN:

SMT. PREMA MARY,
D/O CHEVARAPPA,
CHOWRAPPA,
AGED ABOUT 44 YEARS,
RESIDENT OF
ANNENAHALLI VILLAGE,
GUNGRAMALA POST,
TIPTUR TALUK,
TUMKURU DISTRICT - 572 201.

...PETITIONER

(BY SRI. L.M. RAMAIAH GOWDA, ADVOCATE)

AND:

SRI. A. SHANTHAPPA,
S/O LATE R. ANANTHAPPA,



AGED ABOUT 54 YEARS,
RESIDING AT D.NO.644-11,
II STAGE, RAJIV NAGAR,
MYSORE.

AND ALSO WORKING AT:
DRAWING TEACHER,
ST. ALOYSIUS,
HIGH SCHOOL,
GAYATHRIPURAM,
MYSURU - 570 019.

...RESPONDENT

(BY SRI. RAJARAM SOORYABAIL, ADVOCATE)

THIS RPFC IS FILED UNDER SEC.19(4) OF CPC., AGAINST
THE ORDERS DATED:30.01.2014 PASSED ON C.MIS.221/2009
ON THE FILE OF THE PRL. JUDGE, FAMILY COURT, MYSORE.
PARTLY ALLOWING THE PETITION FILED UNDER SEC.125 OF
CR.P.C. FOR MAINTENANCE.

THESE PETITIONS, COMING ON FOR ORDERS, THIS DAY,
THE COURT MADE THE FOLLOWING:

ORDER

RPFC No.4/2017 is filed by the husband challenging the
order dated 30.01.2014 in C.Mis.No.221/2009 passed by the
Principal Judge, Family Court at Mysuru of granting
maintenance to the wife and RPFC No.61/2014 is filed by the
wife seeking for enhancement of maintenance amount.



2. The ranks of the parties are stated as before the Family Court for easy reference and convenience.

3. The petitioner – wife and respondent – husband have lived together after marriage for some years. But thereafter, wife was constrained to live separately on the ground of desertion and other allegations. The Family Court after considering the evidence on record has granted maintenance amount of Rs.4,000/- per month to the petitioner – wife.

4. Heard learned counsel for both the parties and perused the material on record.

5. The respondent – husband was working as a Teacher and was drawing salary of Rs.33,000/- per month as on the date of filing petition. It is stated that now respondent has retired from the service. It is submitted by the learned counsel for the respondent – husband that wife is also a Member of the Educational Trust and she is having sufficient income to maintain her life. Therefore, prays for setting aside the petition.



6. On the other hand, learned counsel for the petitioner submitted that respondent – husband after retirement is running the Educational Trust as per Ex.P.18. Ex.P.18 proves that the husband is President of the school.

7. It is the contention of the learned counsel for the respondent that the petitioner is also working as a Teacher. Upon perusal of additional documents placed by the respondent – husband, there is no evidence that after 2011, the wife has continued to work as a Director in the school. The maintenance granted is only Rs.4,000/-. Ex.P.2 – RTC extracts of the respondent – husband proves that he is the owner of the Agricultural land by which, he is receiving income. It is submitted that wife is a Director of the school, but there is no evidence produced either before the Family Court or before this Court by additional documents. Therefore, considering all these evidence on record and the facts and circumstances of the case, when the relationship of petitioner – wife and the respondent – husband is not disputed, the Family Court is justified in granting maintenance of Rs.4,000/- per month to the petitioner – wife. Therefore, the petition filed by the husband is hereby dismissed.



8. In so far as the petition filed by the wife seeking for enhancement of maintenance amount, it is difficult for the wife to maintain herself with the maintenance amount of Rs.4,000/- per month in the Mysuru City. As discussed above, the husband was working as a Teacher and after retirement, he is running an Educational Trust and is also having income from the agricultural land. Therefore, the wife has made out a case for enhancement of maintenance amount. Considering the present cost of living in the Mysuru City and it is submitted by the counsel for the petitioner that she is residing in rented house and the rent of the house is also excessive. Therefore, considering all these facts and circumstances, it is just and appropriate to enhance the maintenance amount by Rs.8,000/- per month in addition to what has been awarded by the Family Court. The respondent – husband shall pay the maintenance amount enhanced by this Court as well as granted by the Family Court regularly on every month without fail.

9. Liberty is reserved for the petitioner – wife as per Section 127 of Cr.P.C. for seeking enhancement of maintenance



amount as and when arises. Accordingly, I proceed to pass the following:-

ORDER

- i. RPFC No.4/2017 is hereby ***dismissed***.
- ii. RPFC No.61/2014 is hereby ***allowed-in-part*** with cost.
- iii. The order passed in C.Mis.No.221/2009 dated 30.01.2014 by the Principal Judge, Family Court at Mysuru is hereby modified to the extent that the petitioner - wife is entitled to additional maintenance amount of Rs.8,000/- per month, in addition to what has been granted by the Family Court respectively from the date of petition.
- iv. No order as to costs.
- v. The respondent - husband shall pay maintenance amount without fail as per order.
- vi. The respondent - husband shall pay cost of litigation of Rs.20,000/- to the petitioner.
- vii. In view of the disposal of the main petitions, I.A.No.2/2017 in RPFC No.4/2017 and



NC: 2024:KHC:462
RPFC No. 4 of 2017
C/W RPFC No. 61 of 2014

I.A.No.1/2017 in RPFC No.61/2014 does not survive
for consideration and are accordingly disposed of.

Sd/-
JUDGE

MH/-
List No.: 1 Sl No.: 6
CT:SNN