



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 24<sup>TH</sup> DAY OF JANUARY, 2024**

**BEFORE**

**THE HON'BLE MR JUSTICE HANCHATE SANJEEVKUMAR**

**REV.PET FAMILY COURT NO.125 OF 2019**

**BETWEEN:**

ANGASWAMY @ S. KUMAR  
S/O. P. SUBRAMANI,  
AGED ABOUT 38 YEARS,  
R/O. SHRI. CHAMUNDESHWARI NILAYA,  
BHARATH BEEDI COLONY,  
ATTUR CHURCH ROAD,  
KABETTU, KARKALA KASABA AND TALUK,  
UDUPI DISTRICT, KARNATAKA - 574 118.

...PETITIONER

(BY SRI. KANTHARAJAPPA M G, ADVOCATE)

**AND:**

1. SOWMYA. P  
W/O. ANGASWAMY @ S. KUMAR,  
D/O. PERIYANNA SWAMY,  
AGED ABOUT 26 YEARS,

2. MITHIL  
S/O. ANGASWAMY @ S. KUMAR,  
AGED ABOUT 5 YEARS,

BOTH ARE RESIDING NEAR HMT  
SERVICE ROAD,  
BANDIPALYA MAIN ROAD,  
4<sup>TH</sup> CROSS, SRINAGARA,  
KYATASANDRA, TUMAKURU-572 101.

...RESPONDENTS

(BY SRI. CHIRAG, AMICUS CURIAE;  
R2 MINOR REPRESENTED BY R1)





THIS RPFC IS FILED UNDER SEC.19[4] OF THE FAMILY COURTS ACT., AGAINST THE JUDGMENT DATED 28.06.2019 PASSED IN C.MIS.NO.1/2017 ON THE FILE OF THE PRL. JUDGE, FAMILY COURT AT TUMAKURU 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 husband calling in question the judgment dated 28.06.2019 passed by the Prl. Judge, Family Court, Tumakuru, in C.Misc.No.1/2017 granting maintenance amount of Rs.10,000/- per month to the wife and Rs.5,000/- per month to the son till he attains majority.

2. The relationship between the petitioner being husband and the respondents being wife and son are not in dispute.

3. On certain allegations the respondents are constrained to reside separately and therefore seeking maintenance respondents filed a petition under Section



125 of Cr.P.C. and accordingly, Family Court has awarded maintenance as stated above.

4. Since the respondents are woman and child, they are entitled to free legal aid as per Section 13 of Legal Services Authority Act and as such, Sri.Chirag, learned counsel is appointed as Amicus Curiae to assist the Court and also to make submission on behalf of respondents.

5. Heard the arguments of both sides and perused the materials on record.

6. Learned counsel for the petitioner submitted that petitioner is a tractor driver and his income is Rs.10,000/- per annum and as such, he is not able to pay the maintenance amount as awarded by the Family Court. Therefore, he prays for dismissal of the petition.

7. On the other hand, learned counsel for the respondents justified the order passed by the Family Court.



8. When the relationship of the petitioner and respondents are admitted, it is bounded duty of the petitioner to maintain his wife and son. Even though the petitioner may be a tractor driver and the respondents being a woman and a minor son, have not proved the exact income of the petitioner, but upon considering the evidence on its preponderance of probabilities, a tractor driver atleast can earn a daily wage of Rs.700/- to Rs.800/-. It is contended by the respondents that the petitioner is doing a business of building construction, architect work, compressor and breaking works, sand blasting work. Though respondents contend that petitioner is doing a business, they are not able to produce the documents in this regard. But, upon considering all these circumstances a guess work has been made regarding by doing this nature of work by the petitioner, then what would be the financial capacity of the petitioner can be assessed. Therefore, considering all these, the Family Court is correct in determining the monthly



maintenance of Rs.15,000/- together to both and accordingly granted the maintenance.

9. The Family Court has granted maintenance of Rs.15,000/- per month, for which there is no appeal preferred by the respondents. In today's era, Rs.15,000/- per month for 2 persons is bare sufficient for sustaining life and considering this, the Family Court has awarded the just and correct maintenance, which needs no interference. Therefore, revision petition is **dismissed** being devoid of merits.

10. The High Court Legal Services Committee is requested to pay fee to Sri.Chirag, learned Amicus Curiae for rendering his services to the Court as Amicus Curiae as per norms.

**Sd/-  
JUDGE**

DR  
List No.: 1 Sl No.: 41