



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

**DATED THIS THE 25<sup>TH</sup> DAY OF JANUARY, 2024**

**BEFORE**

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

**REV.PET FAMILY COURT NO. 56 OF 2019**

**BETWEEN:**

1. SMT. SOUMYA H.L. @ YASHODHA,  
W/O NATESH,  
D/O H.G.LAXMANCHAR,  
AGED ABOUT 33 YEARS,
  
2. MASTER ANVAY,  
S/O NATESHA,  
SINCE MINOR  
REPRESENTED BY  
HIS MOTHER/NATURAL GUARDIAN,  
PETITIONER NO.1,  
SOUMYA H.L @ YASHODHA,  
BOTH ARE R/O HANGARAVALLI VILLAGE,  
HANGARAVALLI POST,  
AVATHI HOBLI,  
CHIKKAMAGALURU TALUK,  
CHIKKAMAGALURU DISTRICT – 577 101.

...PETITIONERS

(BY SRI. GIRISH B BALADARE, ADVOCATE)

**AND:**

SRI. NATESHA,  
S/O JANARDHANACHARI,  
AGED ABOUT 37 YEARS,  
R/O KAGODU VILLAGE,  
NAGENAHALLI POST,  
AREHALLI HOBLI,





BELURU TALUK,  
HASSAN DISTRICT – 573 201.

...RESPONDENT

(BY SRI.V.D.RAVI RAJ, ADVOCATE)

THIS RPFC IS FILED U/S.19(4) OF FAMILY COURTS ACT AGAINST THE ORDER DATED 16.02.2019 PASSED IN CRL.MISC.NO.32/2017 ON THE FILE OF THE PRINCIPAL JUDGE, FAMILY COURT, CHIKKAMAGALURU PARTLY ALLOWING THE PETITION FILED UNDER SEC.125 OF Cr.P.C FOR MAINTENANCE.

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

**ORDER**

This revision petition is filed by the wife and minor child of the respondent calling in question the order of maintenance dated 16.02.2019 passed by the Family Court, Chikkamagaluru rejecting maintenance to petitioner No.1/wife and seeking enhancement of maintenance granted to petitioner No.2-Child.

2. Heard the arguments of both parties and perused the materials on record.

3. In the present case, the relationship between the petitioners and respondent is not disputed. The first petitioner



is wife of the respondent and second petitioner is the son of respondent.

4. On certain allegations, the petitioners are constrained to live separately and therefore the petitioners being the wife and son of the respondent, have filed a petition under Section 125 of Cr.P.c. for maintenance, but the Family Court has denied maintenance to the first petitioner-Wife and granted maintenance of Rs.3,000/- every month for the son. Being aggrieved by non granting of maintenance to the wife and granting meager amount of maintenance to the son, present revision petition is filed.

5. The respondent being the husband, it is his bounden duty to maintain his wife and son. It is legal as well as pious obligation of the respondent/husband to maintain his wife and children. The Family Court has committed an error in not granting maintenance to the petitioner No.1/wife by opining that she is working and capable of earning for her livelihood. When the wife and son are deserted by the respondent, then obviously for livelihood the first petitioner is compelled to do work, but that does not mean denying maintenance to the wife by the husband. Till getting orders of the Court, the petitioners



cannot put to idle by suffering starvation. Therefore, inevitably when the wife starts to work for livelihood that does not mean that wife is capable of earning and on these grounds, the respondent-husband cannot evade his obligation to maintain his wife and son. Hence, in this regard the Family Court committed the error.

6. The respondent has admitted that he is doing tailoring work and also owner of 2 acres of coffee land. When this being the case that respondent is a tailor by profession and agriculturist and owner of the agriculture land, it is proved that the respondent is having sufficient income to maintain his wife and son. When the financial status is admittedly proved, the Family Court ought to have granted minimum amount of maintenance for sustaining life in the Society. Hence, the observations made by the Family Court are erroneous. Therefore, the impugned order in denying maintenance to the wife is liable to be set aside and is liable to be modified to the extent of enhancement of maintenance to the second petitioner-son.

7. Therefore, for the reasons above discussed, considering the fact that the respondent is financially viable to



maintain the petitioners, considering the price index and cost of living in the Society and petitioners are residing in village, accordingly the respondent is directed to pay maintenance of Rs.8,000/- per month to the first petitioner/Wife and pay additional maintenance of Rs.3,000/- per month in addition to the amount awarded by the Family Court from the date of petition. Therefore, the petition is liable to be allowed Hence, I proceed to pass the following:-

**ORDER**

- i. The petition is *allowed*.
- ii. The order passed in CrI.Misc.32/2017 dated 16.02.2019 by the Court of the Judge, Family Court at Chikkamagalur is hereby modified.
- iii. The order insofar as not granting of maintenance to the wife is set aside and the respondent is directed to pay maintenance of Rs.8,000/- per month to the first petitioner-Wife every month till her life time or till she marries.
- iv. The respondent shall pay additional maintenance of Rs.3,000/- per month to the second petitioner in addition to the amount awarded by the Family



Court from the date of petition till attaining the age of majority.

- v. The respondent shall pay maintenance amount every month regularly without fail as per order.
- vi. No costs.

**Sd/-**  
**JUDGE**

RKA  
List No.: 2 SI No.: 2