



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

**DATED THIS THE 12<sup>TH</sup> DAY OF FEBRUARY, 2024**

**BEFORE**

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

**REV.PET FAMILY COURT NO. 121 OF 2019**

**BETWEEN:**

1. SMT. K.C. PREMA,  
W/O M. ARUN KUMAR,  
D/O GOUDAR MALLIKARJUNAPPARA CHANDRAPPA,  
AGED ABOUT 29 YEARS,
  
2. KUMARI VARSHITHA,  
D/O M. ARUN KUMAR,  
AGED ABOUT 5 YEARS,  
2ND PETITIONER IS MINOR REPRESENTED  
BY HER NATURAL GUARDIAN MOTHER  
PETITIONER NO.1,  
BOTH ARE R/AT KANDAGALLU VILLAGE,  
DAVANAGERE TQ & DISTRICT - 577 001.

...PETITIONERS

(BY SRI. HALLI SHANTAPPA BASAPPA, ADVOCATE)

**AND:**

M. ARUN KUMAR,  
S/O K.M. MANJAPPA,  
AGED ABOUT 32 YEARS,  
ARECANUT BUSINESS & AGRICULTURIST,  
R/O MALLENAHALLI, NEAR ATTIGERE,  
DAVANAGERE TQ & DIST - 577 001.

...RESPONDENT

(BY SRI. K.N. NARAPPA, ADVOCATE)





THIS RPFC IS FILED UNDER SEC.19[4] OF THE FAMILY COURTS ACT, 1984 AGAINST THE ORDER DATED 19.06.2019 PASSED IN CRL.MISC.NO.383/2017 ON THE FILE OF THE JUDGE, FAMILY COURT, DAVANGERE 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 daughter of the respondent challenging the order passed in Crl.Misc.No.383/2017 dated 19.06.2019 by the Judge, Family Court, Davanagere, whereby the Family Court dismissed the petition filed by the wife and granted maintenance of Rs.1,500/- per month to the daughter. Therefore, questioning the dismissal of the petition filed by the wife and for enhancement of maintenance to the daughter, the instant revision petition is filed.

2. Heard arguments of learned counsel for both the parties and perused the material on record.

3. The relationship between the petitioners and respondent as wife, daughter and husband is not disputed. On certain allegations that respondent has ill-treated,



subjected her to cruelty and harassed her for bringing more dowry, petitioners were constrained to live separately and hence, filed petition under Section 125 of Cr.P.C. But the Family Court has dismissed the petition in so far as wife is concerned and granted maintenance amount of Rs.1,500/- to the petitioner No.2 – daughter.

4. The Family Court has dismissed the petition filed by the wife by assigning the reason that during the course of cross-examination she admitted that she left matrimonial home as she was suffering from ill-health and her brother has secured the petitioner No.1 and therefore, petitioner went along with her brother to her parents house and at that time, Nagapanchami festival was there. Assigning this reason, the Family Court has dismissed the petition filed by the wife.

5. The reason assigned by the Family Court is not correct. It is a common practice in the family that during Nagapanchami festival, the brother comes and takes his sisters to the parents house for celebrating Nagapanchami



festival and this does not mean that petitioner No.1 has left the matrimonial house on her own will. The petitioner No.1 was suffering from ill-health and therefore, brother has taken to parental house and at that time, there was Nagapanchami festival. This is not the reason for dismissal of the petition. Therefore, the Family Court has committed an error in dismissing the petition filed by the wife for maintenance. When allegation is made by the wife that the husband has ill-treated her and subjected her to cruelty for bringing more dowry and that is not controverted by the respondent. The order passed by the Family Court in so far as dismissing the petition for maintenance is liable to be set aside and thus, the petitioner No.1 is entitled for maintenance from the husband – respondent. The Family Court has granted maintenance of Rs.1,500/- to the petitioner No.2 – daughter, which is found to be meager one.

6. Exs.P.6 to 9 are the record of right showing the name of father of the respondent as owner of agricultural



land cultivating areca nuts. The respondent is also having share in the said land. The petitioner has stated in her evidence with supported documents i.e., record of rights, which are standing in the name of his parents and the respondent is an Agriculturist cultivating areca nut and doing areca nut business. The areca nut is a commercial crop. Therefore, this evidence itself proves that respondent is financially viable person to maintain wife and child. Considering all these aspects, the petitioners are entitled for maintenance. For the reasons above stated, the petitioner No.1 is granted maintenance amount of Rs.15,000/- per month and petitioner No.2 – daughter is granted Rs.8,000/- per month maintenance payable from the respondent. Hence, the following:-

**ORDER**

- i. The petition is ***allowed-in-part.***
- ii. The order passed in Crl.Mis.No.383/2017 dated 19.06.2019 by the Judge, Family Court at Davanagere is hereby set aside in so far as rejecting the maintenance petition filed by the



petitioner No.1 – wife and granted maintenance amount of Rs.15,000/- per month payable from the date of petition by the respondent till her lifetime or till she re-marries.

- iii. The impugned order is modified in so far as petitioner No.2 is concerned. The petitioner No.2 – daughter is entitled to maintenance amount of Rs.8,000/- per month payable from the date of petition by the respondent till her marriage.
- iv. No order as to costs.
- v. The respondent is directed to pay arrears of maintenance amount and shall continue to pay maintenance as ordered above without fail.

**Sd/-  
JUDGE**

MH/-  
List No.: 1 Sl No.: 24  
CT: BHK