



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF FEBRUARY, 2024

BEFORE

THE HON'BLE MR JUSTICE HANCHATE SANJEEVKUMAR

REV.PET FAMILY COURT NO. 131 OF 2016

BETWEEN:

SRI. DILEEP K,
S/O KRISHNAMURTHY KAMMARDI,
AGED ABOUT 36 YEARS,
PRESENTLY RESIDING AT
FLAT NO.32, RAJ VIHAR,
PLOT NO.13, SECTOR 18A,
DWARKA, NEW DELHI - 110 078.

...PETITIONER

(BY SRI. C. ANANTHA KUMAR, ADVOCATE)

AND:

1. SMT. BHARATHI DILEEP BHAT,
W/O DILEEP K,
AGED ABOUT 32 YEARS,
2. MASTER ISHAN,
S/O DILEEP K, AGE MINOR,
SINCE MINOR REPRESENTED BY HIS NEXT FRIEND
NATURAL MOTHER SMT. BHARATHI DILEEP BHAT.

BOTH ARE RESIDING AT NO.1968/12,
"SRI HARI", RING ROAD, S.S.LAYOUT,
'B' BLOCK, DAVANAGERE - 577 002.

...RESPONDENTS

(BY SRI. RAMA R. IYER, ADVOCATE FOR R1;
R2 IS MINOR REPRESENTED BY R1)





THIS RPFC IS FILED UNDER SEC.19(4) OF THE FAMILY COURTS ACT., AGAINST THE ORDER DATED 14.07.2016 PASSED IN CRIMINAL MISCELLANEOUS NO.153/2015 ON THE FILE OF THE JUDGE, FAMILY COURT, DAVANAGERE, 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 order of maintenance granted in Crl.Mis.No.153/2015 dated 14.07.2016 passed by the Judge, Family Court at Davanagere, thereby granting maintenance amount of Rs.8,000/- per month to the respondent No.1 – wife and Rs.5,000/- per month to the respondent No.2 – son.

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

3. The relationship between the petitioner and respondents as husband, wife and son is not disputed. On certain allegations, the respondents were constrained to live separately. Therefore, the respondents have filed petition under Section 125 of Cr.P.C. for seeking



maintenance. The Family Court has granted maintenance as above stated. Therefore, the husband has filed the instant revision petition.

4. It is not disputed that the petitioner – husband is B.E. graduate and now he is working at GMR Company and receiving salary of Rs.80,000/- and more per month. The respondent No.1 is an Ayurvedic doctor and before marriage she was working as doctor in Veena's Ayurvedalaya. But it is the case of the respondent No.1 that after marriage, her husband and in-laws have not permitted to practice medicine and therefore, she has given up profession of medicine. Though it is submitted by the counsel for the petitioner that the respondent No.1 is practicing medicine and is running a clinic, but there is no evidence produced before the Family Court to prove the same. Just because the respondent No.1 has obtained degree in Ayurvedic medicine that does not mean that she is earning income by practicing medicine. There is no proof produced by the petitioner in order to prove that



respondent No.1 is earning by running a clinic. The Family Court has granted maintenance of Rs.8,000/- per month to the wife and Rs.5,000/- per month to the son. The respondents have not preferred petition for enhancement of maintenance. Therefore, considering all the facts and circumstances of the case, the Family Court is correct in granting the maintenance amount. The petition is devoid of merits calling interference to the order passed by the Family Court. Hence, petition is hereby ***dismissed*** for devoid of merits.

Sd/-
JUDGE

MH/-
List No.: 1 Sl No.: 8
CT: BHK