



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF FEBRUARY, 2024

BEFORE

THE HON'BLE MR JUSTICE HANCHATE SANJEEVKUMAR

REV.PET FAMILY COURT NO. 174 OF 2018

BETWEEN:

MRS. D. NETHRA,
W/O MR. M. HARISH,
AGED ABOUT 34 YEARS,
R/AT NO.4076/26, 9TH CROSS,
GAYATHRI NAGAR,
BANGALORE - 560 010.

...PETITIONER

(BY SRI. BHANU RAVINDER, ADVOCATE)

AND:

MR. M. HARISH,
S/O MR. MANOHAR,
AGED ABOUT 41 YEARS,
R/AT NO.485 TANK ROAD,
16TH WARD,
DODDABALLAPURA,
BANALORE RURAL DISTRICT - 562 103.

...RESPONDENT

(BY SRI. NAGARAJA K.R., ADVOCATE)

THIS RPFC IS FILED UNDER SECTION 19(4) OF THE FAMILY COURTS ACT, AGAINST THE ORDER DATED 17.09.2018 PASSED IN CRL.MISC. 398/2015 ON THE FILE OF THE PRINCIPAL JUDGE, FAMILY COURT, BENGALURU, PARTLY ALLOWING THE PETITION FILED UNDER SECTION 127 OF Cr.P.C FOR ENHANCEMENT OF MAINTENANCE.





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

ORDER

This revision petition is filed by the wife calling in question the order granted in CrI.Mis.No.398/2015 dated 17.09.2018 passed by the Principal Judge, Family Court, Bengaluru, in so far as granting meager maintenance to the petitioner – wife.

2. The relationship between the petitioner and respondent as wife and husband is not disputed. On certain allegations, the petitioner – wife was constrained to live separately from the respondent – husband and has become destitute. Therefore, filed petition under Section 125 of Cr.P.C. in CrI.Mis.No.460/2009 and the Family Court had granted Rs.7,000/- per month as maintenance in the said petition. Thereafter, the petitioner filed an application under Section 127 of Cr.P.C. for enhancement of maintenance amount and the Family Court has enhanced the maintenance amount to Rs.10,000/- per month. The petitioner – wife on the ground of inadequacy



of the maintenance of Rs.10,000/- filed this revision petition.

3. Heard arguments of learned counsel for both the parties and perused the records.

4. In Crl.Mis.No.460/2009, the Family Court by order dated 08.06.2012 has granted monthly maintenance of Rs.7,000/-. Thereafter, an application was filed under Section 127 of Cr.P.C. in Crl.Mis.No.398/2015. The Family Court has enhanced maintenance amount to Rs.10,000/- per month. From the evidence on record, Ex.R.1 – pay slip of the respondent – husband, it is proved that the respondent is working as a Technical Assistant Grade – II in Central Manufacturing Technology Institute which is Central Government undertaking and was receiving gross salary of Rs.51,195/- per month in the year 2017. Even though as per the said salary certificate, after deductions of Rs.24,686/-, his net salary was Rs.26,509/- per month. The said deduction was made towards repayment of loan, income tax and professional tax. The respondent has



raised loan for his benefit and it cannot be excused while assessing the quantum of maintenance to say that salary is less. Therefore, it is proved that the gross salary of respondent is Rs.51,195/- per month. Furthermore, respondent and his parents including brother owns a house and in one portion of the house, the petitioner and his son are residing and another three portions of the house are given for rent to tenants. Even though the respondent contends that he is constrained to reside in rented house, but respondent and his parents are receiving house rent from the house situated at Gayathri Nagar, Bengaluru. Furthermore, younger brother of the respondent is also employed as Engineer and both are looking after their parents. Therefore, the respondent is well placed employee and receiving salary. The salary certificate proves that the respondent was getting salary of Rs.51,195/- per month as in the year 2017 and now, the designation of the respondent is Senior Technical Assistant Grade – II in Central Manufacturing Technology Institute and is receiving monthly salary of Rs.58,506/-.



The petitioner is working but is temporary due to compulsion on the part of the petitioner to look after her minor son and to satisfy hungry stomach, which does not mean that the wife is having capacity to maintain herself for surviving in life. Even the petitioner is working, the respondent – husband cannot shirk from his responsibility considering the position of the respondent as above discussed. Therefore, in this regard, the maintenance amount of Rs.10,000/- per month granted by the Family Court is inadequate and hence, the petitioner made out a ground for enhancement of maintenance amount. Therefore, considering all these aspects, the petitioner – wife is entitled for enhancement of maintenance amount. It is just and appropriate to enhance maintenance amount. Though the petitioner has claimed maintenance amount of Rs.20,000/- per month but it is undisputed fact that petitioner and her son are residing in one of the portion of the respondent's house. Therefore, the Court finds that it is just and proper to grant maintenance of Rs.15,000/- per month. Hence, the following:-



ORDER

- i. The petition is ***allowed-in-part.***
- ii. The order passed in Crl.Mis.No.398/2015 dated 17.09.2018 by the Principal Judge, Family Court, Bengaluru is hereby modified to the extent that the petitioner – wife is entitled to maintenance amount of Rs.15,000/- per month from the date of petition till her lifetime.
- iii. No order as to costs.
- iv. The respondent shall pay maintenance amount without fail as per order.

Sd/-
JUDGE

MH/-
List No.: 1 Sl No.: 23
CT:SNN