



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. 175 OF 2019

C/W

REV.PET FAMILY COURT NO. 202 OF 2017

IN RPFC NO.175/2019

BETWEEN:

DASHARATHA C.V.,
S/O LATE VENATESHA V.,
AGED ABOUT 29 YEARS,
AGRICULTURIST,
AND DRIVER,
R/O NEAR CHAMUNDESHWARI TEMPLE,
CHIKKANDAVADI,
HOLALKERE TALUK - 577 526.
CHITRADURGA DISTRICT.

...PETITIONER

(BY SRI. R. SHASHIDHARA, ADVOCATE)

AND:

1. VENKATALAKSHMI @ YENKAMMA,
W/O DASHARATHA C.V.,
AGED ABOUT 24 YEARS,
HOUSEWIFE.
2. DHANYA D.,
D/O DASHARATHA C.,
AGED ABOUT 3 YEARS,





MINOR
REPRESENTED BY HER NATURAL
GUARDIAN MOTHER RESPONDENT NO.1.

BOTH ARE R/O ADAPURA VILLAGE,
HARIHAR TALUK,
DAVANAGERE DISTRICT - 577 601.

...RESPONDENTS

(BY SRI. PUNDALIK CHAVAN, AMICUS CURIAE)

THIS RPFC IS FILED UNDER SEC.19(4) OF THE FAMILY COURT ACT. AGAINST THE ORDER DATED 06.10.2017 PASSED IN CRL.MISC. NO.257/2016 ON THE FILE OF THE JUDGE, FAMILY COURT, AT DAVANAGERE PARTLY ALLOWING THE PETITION FILED UNDER SEC.125 OF CR.P.C. FOR MAINTENANCE.

IN RPFC NO.202/2017
BETWEEN:

1. SMT. VENKATALAKSHMI @ YENKAMMA,
W/O DASHARATHA C.V.,
AGED ABOUT 22 YEARS,
HOUSEWIFE.
2. DHANYA D.,
D/O DASA HARATH C.V.,
AGED ABOUT 19 MONTHS

PETITIONER NO.2 BEING MINOR REPRESENTED
BY HER NATURAL GUARDIAN MOTHER.

BOTH ARE RESIDENT OF ADAPURA VILLAGE,
HARIHARA TALUK,
DAVANAGERE DISTRICT - 577 601.

...PETITIONERS

(BY SMT. ROOPA K.R., ADVOCATE)

AND:

DASA HARATH C.V.,



S/O VENKATESH,
AGED ABOUT 27 YEARS,
AGRICULTURIST AND DRIVER
R/AT NEAR CHAMUNDESHWARI TEMPLE,
CHIKKANDAVADI, HOLAALKERE TALUK,
CHITRADURGA DISTRICT - 577 526.

...RESPONDENT

(BY SRI. R. SHASHIDHAR, ADVOCATE)

THIS RPFC IS FILED UNDER SEC.19(4) OF THE FAMILY COURTS ACT., AGAINST THE ORDER DATED 6.10.2017 PASSED IN CRL.MISC NO.257/2016 ON THE FILE OF THE JUDGE FAMILY COURT, DAVANAGERE, PARTLY ALLOWING THE PETITION FILED UNDER SEC.125 OF CR.P.C FOR MAINTENANCE.

THESE PETITIONS, COMING ON FOR FINAL HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

RPFC No.175/2019 is filed by the husband and RPFC No.202/2017 is filed by the wife and daughter challenging the order passed in Cri.Misc.No.257/2016 dated 06.10.2017 by the Judge, Family Court, Davanagere.

2. The ranks of the parties are stated as before the Family Court for easy reference and convenience.

3. The petitioner No.1 contends that she is legally wedded wife of respondent and petitioner No.2 is born out of their wed lock. On certain allegations, the petitioners are constrained to live separately and filed petition under



Section 125 of Cr.P.C. and accordingly, the Family Court has granted maintenance of Rs.2,000/- per month to the petitioner No.1 – wife and Rs.1,000/- per month to the petitioner No.2 – daughter.

4. Learned counsel for the respondent – husband submitted that the petitioner No.1 is not his legally wedded wife and she has married to one Ramesh and therefore, denied the relationship between them as husband and wife.

5. Sri.Pundalik Chavan, learned counsel is appointed as Amicus Curiae by this Court and learned Amicus Curiae has assisted well in the case enabling the Court to come to right conclusion. Therefore, his services is placed on record. The Secretary, High Court Legal Services Committee is directed to pay professional fee as per norms upon production of certified copy of this order.

6. The respondent – husband though entered appearance through an advocate before the Family Court but has not contested the case. Therefore, there is no



evidence produced before the Family Court on behalf of the respondent – husband.

7. The respondent – husband has produced copy of marriage invitation card showing that the petitioner No.1 – wife has already married another person. Whether petitioner No.1 is legally wedded wife or not is to be adjudicated before the Family Court. Therefore, it is just and proper to give one more opportunity to the respondent – husband to adduce his evidence. In view of the facts and circumstances of the case, this Court is of the view to remand the case back to the Family Court for fresh adjudication.

8. Hence, I proceed to pass the following:-

ORDER

- i. Both the petitions are hereby ***disposed off.***
- ii. The order passed in Cri.Mis.No.257/2016 dated 06.10.2017 by the Judge, Family Court at Davanagere is hereby set aside and remanded back to the Family Court for fresh adjudication.



- iii. Both the parties are given liberty to adduce their oral or documentary evidence or both if they so desire.
- iv. Both the parties shall appear before the Family Court on 04.03.2024 and the Family Court is directed to dispose of the petition within a period of three months from 04.03.2024.
- v. Both the parties are directed to co-operate with the Family Court for early disposal.
- vi. If the respondent – husband is not co-operating with the Family Court for early disposal, then the Family Court is at liberty to strike of the defence and proceed with the case on merits and pass appropriate order as per law.
- vii. No order as to costs.

Sd/-
JUDGE

MH/-
CT:SNN