



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

**DATED THIS THE 6<sup>TH</sup> DAY OF FEBRUARY, 2024**

**BEFORE**

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

**REV.PET FAMILY COURT NO.28 OF 2018**

**BETWEEN:**

SRI. LOKESH,  
S/O LATE VENKATARANGASHETTY,  
AGED ABOUT 43 YEARS,  
R/AT DOOR NO.474,  
NACHANAHALLI, MYSORE TALUK,  
MYSORE DISTRICT - 570 078.

...PETITIONER

(BY SRI. REVANASIDDAPPA H.K., ADVOCATE)

**AND:**

1. SMT. BHAGYA,  
W/O LOKESH,  
AGED ABOUT 38 YEARS.

2. ABHISHEK,  
S/O LOKESH,  
AGED ABOUT 14 YEARS.

3. RAHUL,  
S/O LOKESH,  
AGED ABOUT 12 YEARS,

ALL ARE R/AT  
DOOR NO. 474, NACHANAHALLI,  
MYSORE TALUK,  
MYSORE DISTRICT - 570 078.

...RESPONDENTS

(BY SRI. JAY KISHAN SHARMA, AMICUS CURIAE;  
R2 AND R3 ARE MINORS REPRESENTED BY R1)





THIS RPFC IS FILED UNDER SEC.19[4] OF THE FAMILY COURTS ACT.1984 AGAINST THE ORDER DATED 06.10.2017 PASSED IN C.MISC.372/2015 ON THE FILE OF THE I ADDL.PRL.JUDGE, FAMILY COURT MYSURU 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 C.Mis.No.372/2016 dated 06.10.2017 passed by the I Additional Principal Family Court at Mysuru, praying to set aside the maintenance of amount granted by the Family Court.

2. The relationship between the petitioner/husband and respondents/wife and children are not disputed. Respondent No.1/wife have made allegation that the petitioner has consummated second marriage and living with second wife and started harassment. Hence, the petitioners were constrained to reside separately and filed petition under Section 125 of Cr.P.C and Family Court



granted maintenance of Rs.5,400/- to the respondent No.1/wife and Rs.2,500/- to the both respondent Nos.2 and 3/children from the date of petition.

3. Notice issued to the respondent is served but they remained absent. The respondents are wife and minor children are entitled free legal heir as per Section 13 of the Legal Services Authority Act 1987. Sri. Jai Kishan Sharma learned advocate is appointed as counsel for the respondent and amicus curiae in this case assist the case.

4. Heard the arguments from learned counsel for the petitioner and learned amicus curiae.

5. When the relationship between the petitioner and respondents are not disputed as above discussed, then it is bound down duty of the petitioner – husband to maintain his wife and children. The Hon'ble Supreme Court in catena of decisions has held that it is legal as well and pious obligation to maintain wife and children when wife and children are unable to maintain themselves. The



respondent No.1 – wife is living along with respondent Nos.2 and 3 – two minor children. Therefore, the respondents are suffering more hardship compared to the petitioner – husband. Perusal of the evidence on record and the admission of the petitioner during the course of cross-examination before the trial Court, it is revealed that the petitioner was residing in the house belonging to his deceased father; his ancestral properties in Sy.No.19/B and 25/B of Nachanahallipalya are acquired by MUDA for permission of layout and a site measuring 60x40 feet was allotted in his name in lieu of compensation towards acquisition of land. The petitioner has married and living with the second wife. This proves that the petitioner – husband is financially viable person to maintain the respondents – wife and children. 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.



6. Sri.Jay Kishan Sharma, 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 service 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 judgment.

**Sd/-  
JUDGE**

SRA – Para Nos.1 to 3  
MH – Para Nos.4 and 5  
List No.: 1 SI No.: 19  
CT:SNN