



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF FEBRUARY, 2024

BEFORE

THE HON'BLE MR JUSTICE HANCHATE SANJEEVKUMAR

REV.PET FAMILY COURT NO.35 OF 2015

C/W

REV.PET FAMILY COURT NO.99 OF 2016

IN RPFC NO.35/2015:

BETWEEN:

DR. MANJAPPA T.,
S/O LATE THIMMAPPA,
AGED ABOUT 44 YEARS,
PRESENTLY R/AT
NALLUR VILLAGE AND POST,
CHANNAGIRI TALUK,
DAVANAGERE DISTRICT - 577 221.

...PETITIONER

(BY SRI. N. SHANKARANARAYANA BHAT, ADVOCATE)

AND:

1. SMT. RENUKA @ M. RENUKA,
W/O DR. MANJAPPA T.,
AGED ABOUT 42 YEARS
PRESENTLY R/AT D.NO.1990/28,
5TH CORSS, SIDDAVEERAPPA EXTENSION,
DAVANAGERE - 577 004.
2. MASTER VAIBHAV,
S/O DR. T. MANJAPPA,
AGED ABOUT 10 YEARS.
3. MASTER GAGAN,
S/O DR. T. MANJAPPA,
AGED ABOUT 8 YEARS.

2 AND 3 ARE MINORS





NC: 2024:KHC:4865
RPFC No. 35 of 2015
C/W RPFC No. 99 of 2016

REPRESENTED BY GUARDIAN MOTHER
SMT. RENUKA D @ M. RENUKA,
R/AT D.NO.1990/28,
5TH CROSS, SIDDAVEERAPPA EXTENSION,
DAVANAGERE - 577 004.

...RESPONDENTS

(BY SRI. K.G. SHANTHARAJA, ADVOCATE FOR C/R1;
R2 AND R3 ARE MINORS REPRESENTED BY R1)

THIS RPFC IS FILED UNDER SEC.19(4) OF THE FAMILY COURTS ACT, AGAINST THE JUDGMENT & DECREE DATED 19.12.2014 PASSED IN CRL.MISC. NO.118/2013 ON THE FILE OF THE JUDGE, FAMILY COURT, DAVANAGERE, PARTLY ALLOWING THE PETITION FILED U/S.125 OF CR.P.C.

IN RPFC NO.99/2016:

BETWEEN:

1. SMT. RENUKA @ M. RENUKA,
W/O DR. MANJAPPA T.,
AGED ABOUT 43 YEARS,
HOUSEWIFE,
D/O KENCHAPPA Y.S.
2. MASTER VAIBHAV,
S/O DR. MANJAPPA T.,
AGED ABOUT 11 YEARS,
STUDYING IN 6TH STANDARD.
3. MASTER GAGAN,
S/O DR. MANJAPPA T.,,
AGED ABOUT 9 YEARS.
STUDYING IN 5TH STANDARD.

PETITIONERS 2 AND 3 ARE MINORS,
REPRESENTED BY THEIR MOTHER
PETITIONER NO.1 AS NEXT FRIEND.

ALL ARE R/AT #1990/28,
5TH CROSS, SIDDAVEERAPPA EXTENSION,
DAVANAGERE - 577 004.

...PETITIONERS



(BY SRI. K.G. SHANTHARAJA, ADVOCATE)

AND:

SRI. DR. MANJAPPA T.,
S/O LATE THIMMAPPA,
AGED ABOUT 45 YEARS,
ASSISTANT PROFESSOR,
SUBBIAH MEDICAL COLLEGE,
SHIVAMOGGA - 577 222.

...RESPONDENT

(BY SRI. N. SHANKARANARAYANA BHAT, ADVOCATE)

THIS RPFC IS FILED UNDER SEC.19(4) OF THE FAMILY COURTS ACT, AGAINST THE JUDGMENT & DECREE DATED 19.12.2014 PASSED IN CRL.MISC. NO.118/2013 ON THE FILE OF THE JUDGE, FAMILY COURT, DAVANAGERE, PARTLY ALLOWING THE PETITION FILED U/S. 125 OF CR.P.C.

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

ORDER

RPFC No.35/2015 is filed by the husband/petitioner calling in question the order dated 19.12.2014 passed by the Family Court, Davanagere in Crl.Misc.No.118/2013 granting maintenance amount of Rs.12,000/- to the wife.

2. RPFC No.99/2016 is filed by the wife and children seeking enhancement of maintenance amount awarded by the Family Court, Davanagere, in Crl.Misc.No.118/2013.



3. The relationship between the petitioner and respondents as husband, wife and children, is not in dispute. On certain allegations the wife and children were constrained to desert the husband/petitioner and started to reside separately. The wife and children have filed a petition under Section 125 of Cr.P.C. seeking maintenance to lead their livelihood. The Family Court has granted maintenance amount of Rs.12,000/- per month to the wife and Rs.2,500/- per month each to the children.

4. Heard the arguments of both sides and perused the materials on record.

5. The Family Court while appreciating the evidence on record has held that the petitioner/husband is having sufficient source of income to maintain his wife and children and that the petitioner/husband is working as Assistant Professor in Anatomy Department in Medical College and also got landed properties. It is observed that



the petitioner/husband has also been attending the clinic at Nallur village.

6. Upon reappreciating the evidence on record from Ex.P-7 - salary certificate, it is proved that the petitioner/husband was working as Assistant Professor in Anatomy Department in Medical College. It is proved that the petitioner/husband is a qualified Doctor and he has admitted in his cross objection that he has established clinic and practicing medicine at Nallur village. Though Ex.P-44 is letter of resignation by the petitioner/husband to the job of Assistant Professor, there is no proper reason for resigning the job. The petitioner/husband is also practicing medicine at Nallur village as per admission in his cross objection. Therefore, petitioner might have resigned from the post of Assistant Professor and started to practice medicine may be for the reason that he is able to earn lucrative income from the medicine practice. This fact has proved that the petitioner/husband is financially viable person to maintain his wife and children.



7. Furthermore, Exs.R-3 to R-10 are the marriage invitation card, receipts of school fee paid, medical bills etc., and mutation register, pahani copies proves that the petitioner/husband is the owner of agricultural lands and is also having income from the agricultural source. Therefore, considering all this, the Family Court has correctly held that the petitioner/husband is financially viable person so as to give maintenance to the wife and children.

8. The Family Court while determining the quantum of maintenance amount has not correctly determined the quantum of compensation. Ex.P-7 is the salary certificate which proves that petitioner/husband being Assistant Professor in medical college was getting a salary of Rs.69,214/- and net salary of Rs.51,772/- for the month of March 2013 and now 10 years have elapsed. The petitioner/husband might have resigned from the post of Assistant Professor on the reason that he finds practicing of medicine may earn lucrative income and the



petitioner/husband has admitted that he is practicing medicine at Nallur village.

9. Furthermore, petitioner is the owner of agricultural lands and it proves that he is having income from said agricultural lands and thus, the quantum of amount granted by the Family Court is inadequate. Hence, it is just and proper to direct the petitioner/husband to pay monthly maintenance amount of Rs.20,000/- per month to the wife till her life time or she remarries and Rs.10,000/- to each child i.e., respondent Nos.2 and 3 till they attain the age of majority. Therefore, order passed by the Family Court is modified so far as quantum of maintenance is concerned.

10. Hence, I proceed to pass following;

ORDER

- i. RPFC No.35/2015 filed by the husband is ***dismissed.***
- ii. RPFC No.99/2015 filed by the wife and children is ***allowed in part.***



- iii. The petitioner/husband shall pay maintenance of Rs.20,000/- per month to the wife till her lifetime or till she remarries and petitioner shall also pay monthly maintenance of Rs.10,000/- each to the respondent Nos.2 and 3 children till they attain the age of majority.
- iv. The petitioner/husband shall pay arrears of maintenance amount to the wife and children within a period of 8 weeks from today.
- v. Cost of litigation is imposed at Rs.10,000/- payable by the petitioner/husband to the wife and children.

Sd/-
JUDGE