



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF MARCH, 2024

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

REV.PET FAMILY COURT NO. 160 OF 2018

BETWEEN:

SRI. B.N. MANJUNATH,
S/O. B. NATARAJ,
AGED ABOUT 41 YEARS,
R/AT NO. 921, 12TH MAIN ROAD,
SRINIVASANAGAR,
BENGALURU - 560 050.

...PETITIONER

(BY SRI. HARISH H.V., ADVOCATE)

AND:

SMT. HEMALATHA P.,
W/O. B.N. MANJUNATH,
AGED ABOUT 36 YEARS,
R/AT NO. 125,
DHARMARAJ KOIL STREET,
SHIVAJINAGAR,
BENGALURU - 560 001.

...RESPONDENT

(BY SMT. SANGEETHA, AMICUS CURIAE)

THIS RPFC IS FILED U/S.19(4) OF THE FAMILY COURT ACT, AGAINST THE JUDGMENT AND DECREE DATED:07.09.2018 PASSED IN Cr.MIS.NO.222/2014 ON THE FILE OF THE PRINCIPAL JUDGE,FAMILY COURT,BENGALURU PARTLY ALLOWING THE PETITION FILED U/S.125 OF CR.P.C FOR MAINTENANCE.

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





ORDER

The present petition is filed by the husband aggrieved by the order passed in Crl.Misc.No.222/2014 dated 07.09.2018 on the file of the Principal Judge, Family Court, Bengaluru.

2. The respondent/wife has filed the petition in Crl.Misc.No.222/2014 under Section 125 of Cr.P.C. seeking maintenance of an amount of Rs.25,000/- per month and litigation expenses of an amount of Rs.1,00,000/-. It is the case of the respondent that the marriage between the petitioner and the respondent was solemnized on 23.01.2013 as per Hindu rites and customs. After the marriage, the respondent/wife joined the matrimonial home and the husband and his family members started harassing her. She was thrown out of the matrimonial home and having no other way, she took shelter in her mother's house. It is the case of the wife that the petitioner/husband is a diploma holder in interior design and running a business under the name and style of



Sai Decors, Interior Designers and Decorators and he is earning an amount of Rs.70,000/- per month. He is having his own house and has no other liability. It is the case of the wife that she requires an amount of Rs.25,000/- per month for her maintenance.

3. The husband has filed his statement of objection stating that he is working as a helper to carpenter in Patel Timbers and his income is an amount of Rs.200/- per day. The petitioner/husband and the respondent/wife have stayed together for hardly two months. The wife has filed a petition in M.C.No.1297/2014 seeking restitution of conjugal rights and the husband has filed petition in M.C.No.4045/2014 seeking divorce.

4. The Court below had allowed the petition in M.C.No.1297/2014 filed by the wife for restitution of conjugal rights and dismissed the M.C.No.4045/2014 filed by the husband seeking divorce. The husband has filed an appeal before this Court and the same is pending



consideration. The Court below considering the visiting card which is placed by the wife and by doing some guess work has come to the conclusion that the husband is earning monthly income of an amount of Rs.30,000/- and had granted maintenance of an amount of Rs.8,000/- per month to the wife. Aggrieved thereby, the husband is before this Court.

5. Learned counsel appearing for the petitioner/husband submits that as per the order passed by this Court on 30.01.2019, the petitioner had deposited an amount of Rs.2,28,000/- on 28.02.2019 before the Court below. So far the amount is not withdrawn by the respondent/wife. He submits that notice was served on the respondent/wife and as she has not appeared, this Court has appointed a Amicus Curiae. It is submitted that she is also not appearing in the appeal that is filed by the husband questioning the order passed by the Court below and she is not pursuing the matter. Learned counsel submits that the wife might have been married. It is



submitted that the Court below without any basis has come to the conclusion that the petitioner/husband is earning an amount of Rs.30,000/- per month. The petitioner has categorically stated before the Court below that he is working as a helper to the carpenter and he do not own the business. It is submitted that the maintenance that is granted by the Court below is on the higher side as he has to maintain himself and his mother from the income that he is getting. Though notice is served on the respondent/wife, she is not contesting the matter.

7. Having heard the learned counsel for the petitioner, this Court has perused the entire material on record. As per the orders of this Court, the petitioner has deposited an amount of Rs.2,28,000/- on 28.02.2019. It appears that the wife had not withdrawn the same and in this petition also, she is not contesting the matter. Then coming to the merits of the matter, how the Court came to an amount of Rs.30,000/- per month as income of the



petitioner is not known. It is his case that he is earning an amount of Rs.200/- per day, basing on the visiting card the Court below cannot come to the conclusion that he is doing the business. Considering all this, the Court below had granted maintenance till the life time. It is submitted that the Court below ought to have granted maintenance till her life time or till she is married.

8. Considering all these aspects, particularly the fact that neither the respondent/wife is pursuing the matter nor she is withdrawing the amount that is deposited by the petitioner and also considering the income of the husband, this Revision Petition is partly allowed and the order passed by the Court below is modified as follows:

ORDER

- i. The revision petition is allowed-in-part.
- ii. The maintenance is reduced from an amount of Rs.8,000/- per month to Rs.6,000/- per month.



iii. The petitioner/husband shall pay the maintenance from the date of petition till her lifetime or till she gets married.

iv. This Court has reduced the maintenance to an amount of Rs.6,000/- per month. The petition was filed on 16.04.2014. Till 16.04.2024, the amount comes to Rs.7,20,000/-. As the petitioner has already deposited an amount of Rs.2,28,000/-, the remaining amount of Rs.4,92,000/- shall be paid within three months from the date of receipt of copy of the order.

Sd/-
JUDGE

MEG
List No.: 1 SI No.: 4