



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 9TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE C M JOSHI

REV.PET FAMILY COURT NO.100117 OF 2025

BETWEEN:

VENKATESH CHIGARI S/O. HANUMANTHAPPA,
AGED ABOUT 53 YEARS, OCC. LECTURER,
C/O. GADAG, HAALIGUDI,
R/O. BASAVESHWAR P.U. COLLEGE,
2ND BLOCK, RAJAJINAGARA,
BENGALURU-560010.

...PETITIONER

(BY SRI. KEMPARAJU, ADVOCATE AND
SMT. RAKSHA KEERTHANA K, ADVOCATE)

AND:

SMT. SUMA VENKATESH CHIGARI
AGE: 44 YEARS,
R/O. C/O. M. V. SAYEED HOUSE,
4TH CROSS, SADHANAKERI, DHARWAD-580007.

...RESPONDENT

(BY SRI. CHETAN KULKARNI, ADVOCATE)

THIS RPFC IS FILED UNDER SECTION 19(4) OF FAMILY COURT ACT, PRAYING TO CALL FOR RECORDS OF CRL. MISC.NO.288/2022 ON THE FILE OF THE HON'BLE PRL. JUDGE AT FAMILY COURT AT DHARWAD AND TO SET ASIDE THE ORDER DATED 27TH MAY 2025 PASSED BY THE HON'BLE PRL. JUDGE AT FAMILY COURT AT DHARWAD IN CRL.MISC.NO.288/2022 AND ETC.

THIS PETITION, COMING ON FOR ADMISSION THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

YASHAVANT
NARAYANKAR

Digitally signed by
YASHAVANT
NARAYANKAR
Date: 2025.12.11
10:27:12 +0530



ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE C M JOSHI)

Heard learned counsel appearing for the petitioner.

2. The petitioner is the husband of the respondent. The respondent had filed Criminal Miscellaneous No.288/2022 before the Principal Judge, Family Court, Dharwad. She sought maintenance from her husband. The petitioner had appeared before the Family Court and had admitted the marital relationship with the respondent and solemnisation of marriage on 16.11.2000. The petitioner had contended his inability to pay the maintenance amount since he has several debts.

3. The respondent was examined as PW1 and Exs.P1 to P5 were marked.

4. The petitioner did not appear before the Family Court to show that he had several debts and he was unable to pay the maintenance as claimed by the wife. Therefore, the learned Family Court on appreciating the evidence available on record, held that the petitioner herein is liable to pay a sum of Rs.30,000/- per month to his wife till her lifetime.



5. The learned counsel appearing for the petitioner herein submits that the maintenance of Rs.30,000/- per month ordered by the Family Court is on the higher side and now the petitioner wants to produce certain evidence to show that he is paying some maintenance to the respondent. Admittedly, it is not in accordance with the quantum determined by the Family Court. He also submits that the son of the petitioner and the respondent is studying in Engineering College and he is also looking after the educational expenses. It is submitted that now he has completed the degree.

6. It is to be seen that the petitioner did not appear before the Family Court to bring to its notice that his wife is employed or that the son of the petitioner and the respondent is also being looked after by the petitioner herein. Therefore, the petitioner cannot take shelter under the contention that he could not adduce evidence before the Family Court and such evidence has to be considered now in the revision.

7. It is relevant to note that if the petitioner is aggrieved by the order passed by the Family Court, he is at liberty to approach the Family Court under Section 127 of Cr.P.C



for variation or alteration of the amount awarded by the Family Court. Without approaching the Family Court under Section 127 of Cr.P.C., the petitioner cannot appear before the Revisional Court and seek to adduce further evidence. The remedy under Section 127(1) of Cr.P.C is available and therefore, the present revision is not sustainable. The change of circumstances and such other material was not placed before the Family Court while the impugned order was being passed. Under these circumstances, the present revision is not sustainable and no ground is made out to show that the impugned order is either *prima facie* illegal or arbitrary. Hence, the petition is ***dismissed***.

SD/-
(C M JOSHI)
JUDGE

RKM
CT:PA
LIST NO.: 1 SL NO.: 30