



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

REV.PET FAMILY COURT NO. 163 OF 2023

BETWEEN:

SRI. SHAILESH KUMAR
AGED ABOUT 55 YEARS,
S/O A JANARDHANA ACHAR,
R/O SHAGIL PRECISION INDIA
UNIT-II,
100% EXPORT,
ORIENTED UNIT,
DERALAKATTE,
MANGALURU-575 001

...PETITIONER

(BY SRI.MANMOHAN P.N., ADVOCATE)

AND:

MRS. NISHA S KUMAR
AGED ABOUT 43 YEARS,
WIFE OF SHAILESH KUMAR,
R/O SHAGIL PRECISION INDIA
UNIT-II,



100% EXPORT,
ORIENTED UNIT,
DERALAKATTE,
MANGALURU-575001.

PRESENTLY R/AT.
302, DECCAN CHAMBERS,
GIRGAUM,
136 JSS ROAD,
MUMBAI-400 001.

...RESPONDENT
(BY SMT.NISHA S KUMAR, **PARTY-IN-PERSON*)

THIS RPFC IS FILED UNDER SECTION 19(4) OF THE
FAMILY COURT ACT, AGAINST THE ORDER DATED
30.05.2023 PASSED IN CRL.MISC NO.50/2014 ON THE
FILE OF PRINCIPAL JUDGE, FAMILY COURT, D.K.
MANGALURU PARTLY ALLOWED THE PETITION FILED
UNDER SEC.125 OF CR.P.C. FOR MAINTENANCE AND ETC.

THIS PETITION HAVING BEEN HEARD AND
RESERVED ON 23.09.2025, COMING ON FOR
PRONOUNCEMENT OF ORDER THIS DAY, THE COURT
PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

* Corrected vide court order dated: 11/03/2026.



CAV ORDER

Aggrieved by the order passed in Crl.Misc.No.50/2014 dated 30.05.2023 by the Principal Judge, Family Court, D.K.Mangaluru, the petitioner/husband is before this Court.

2. The parties are referred to as husband and wife for the sake of convenience.

3. The wife had filed the petition under Section 125 of Cr.P.C seeking maintenance of an amount Rs.5,00,000/- per month from the husband. It is the case of the wife that the marriage was solemnized on 19.03.1998 at Mumbai. Thereafter, the husband borrowed huge money from her parents, purchased properties, built a watch manufacturing unit and later on constructed a residential house at Deralakatte, Mangaluru. He raised heavy loan from the banks by keeping the said properties as security and made her as guarantor. As she was a green card holder, he compelled her to travel to USA and for delivery with an intention to get USA citizenship. Accordingly she traveled to USA and gave birth to a male child. In the month of February 2001, she returned to India along with her son, by that time she noticed several changes in the behaviour



of the husband and she came to know that he is having extra marital affairs. When she raised her objection, he threatened her and harassed her physically and mentally. Because of that she decided to commit suicide, consumed poison, but however survived. For the sake of her son she decided to live and however she decided to put an end to her marriage, but the husband pleaded that he would mend his behaviour.

4. In the year 2006, she traveled to USA for attending her father, who was undergoing heart surgery, at that time the husband forced her to stay at USA for a period of three years so as to secure USA citizenship for himself. When she was at USA, he made her to raise a loan of 45,000 US Dollars in order to buy a factory at New Zealand. On one pretext or the other, he had received around Rs.1 crore from her parents as hand loan. As he was in debt and in financial crisis, she sold her jewellery and other assets to clear off his debts. When she found that there was no change in the attitude of the husband, she sought for divorce, at that time he started making false allegations that she is having affairs with her male friends. Her parents had given their immovable property for joint venture development



and they wanted to cancel the said agreement, but the husband was not ready as he had used the said properties as collateral security to the bank for raising loan. He himself and his manager B.K. Narayan brain washed her son and managed to lodge false complaint against her. Even the husband also lodged false complaint against the wife at Ullal Police Station. The husband has a watch spare manufacturing unit in the name and style Shagil Precision India, 100% exclusive export oriented unit. Out of the same he is getting an amount of Rs.40,00,000/- as monthly income. Though she has made as Manager of the said unit showing her salary as Rs.25,000/- per month, but the said amount was retained by the husband. He made the said arrangement to evade the income tax. Even he has instructed his servant not to provide food and he has disconnected intercom connection from her room. Therefore, she is constrained to file this petition seeking maintenance of an amount of Rs.5,00,000/- per month.

5. The husband had filed his counter in which he admitted his relationship with the wife. It is his case that in order to setup watch spare parts manufacturing unit at Deralakatte he



was intending to buy properties. He had paid advance money to the owners of the properties. After marriage, he purchased the said sites in the name of the wife because of his love and affection. He has not received any financial assistance from her parents for purchasing the said properties. He purchased two properties, one in her name and another in his own name. He constructed factory building and residential house in the said properties. As she was intending to settle at US, in order to secure the citizenship, in the year 2006 she traveled to USA by using the situation of her father's heart surgery, again at his cost. She filed O.S.No.1/2012 in respect to 20 cents of land and GPA executed by her. It is stated that he is not having income of Rs.40,00,000/- per month as stated by the wife.

6. The wife had filed *Crl.Misc.No.99/2011* before the JMFC III Court, Mangaluru and in that under the provisions of Domestic Violence Act obtained an order for separate residence. Accordingly, he has given a residential house measuring 1500 sq.ft bearing D.No.2-331/4 for her stay. Their son was studying in the 7th Standard, aged about 12 years and he was interrogated by the JMFC Court in connection with his custody

* Corrected vide court order dated: 11/03/2026.



matter and rejected the prayer of the wife for custody. It is stated that she filed various litigations against him apart from police complaints. She is very rich lady having gold and diamond jewellery of value of crores of rupees. She owns properties in her name. She is also dealing in real estate business and going to earn crores of rupees. She is not in need of any maintenance and she has put illegal demand of maintenance. She is income tax assessee and she owns both movable and immovable properties in her name. It is stated that the wife is not entitled for maintenance.

7. The Family Court had granted maintenance of an amount of Rs.1,80,000/- per month from 01.01.2012 to 31.12.2016. From 01.01.2017 to 31.12.2021 at Rs.2,30,000/- per month and from 01.01.2022 at Rs.2,80,000/- per month. The husband was given four instalments of four months each, for payment of arrears of maintenance. The first instalment shall be on 01.08.2023, the second instalment shall be on 01.12.2023, the third installment shall be on 01.04.2024 and last installment shall be on 01.08.2024. The Family Court had also awarded cost of litigation of Rs.2,40,000/- i.e., at the rate



of Rs.20,000/- per year from the rate of filing of the petition. Further, the wife is entitled for interest at the rate of 7.5% per annum.

8. While granting the maintenance the Family Court had observed that the wife had relied on 155 documents as Ex.P1 to Ex.P.155. The Family Court had observed that the husband contended that he is presently working as CEO of M/s. Shagil Precision India Pvt. Ltd. on a monthly salary of Rs.52,000/-. The Family Court had considered the documents that are relied on by the husband. The Family Court observed that the husband had filed M.C.No.226/2012 seeking divorce on the ground of cruelty which came to be dismissed by the Family Court and he had preferred an appeal. It is observed that after filing of the criminal miscellaneous, the husband who was the Proprietor of Shagil Precision India converted his Proprietorship into a Private Limited Company. Later on, it is contented that a Swiss Company purchased Shagil Precision India Pvt. Ltd. Further, the son of the petitioner and respondent is now major, he is pursuing his medical education at Georgia. The wife even though obtained protection and residential order, the husband



had agreed to hand over the outhouse existing in the said factory premises at Deralakatte, but even for a single day she has not occupied the same.

9. The Family Court had observed that even during the cross examination of PW.1, it do not find any material evidence elicited to show that the wife is having sufficient means to maintain herself or she possessed various properties fetching any periodical income. According to the wife, the husband started his 100% export manufacturing unit in spare parts of the watches and made a huge profit out of it. It is her contention that at the time of filing of the petition, his monthly income was an amount of Rs.40,00,000/-. The wife had produced the copies of income tax returns of the husband for the assessment year 1996-97 to 1998-99. The husband though had admitted that he was the Proprietor of the Shagil Precision India, he tried to make out a case that he was constrained to convert the said Proprietorship into a private limited company in which he started working as CEO and later on the said company was purchased by a Swiss company and therefore he is now working as an employee of the said company and getting an



amount of Rs.52,000/- per month as salary and as such, he is not in a position to provide maintenance as sought by the wife.

10. The Family Court observed that Ex.R1 produced by the husband is styled as memorandum of understanding between the husband and Shagil Precision India Pvt. Ltd., in connection with purchase of Audi Q3 20 Tdi car. As per the content of the document, the Company was intending to purchase the car, but the bank had refused to sanction loan in the name of the Company and as the bank agreed to grant loan of Rs.30,00,000/- in the name of the husband, therefore, the said Company entered into the memorandum of understanding. The Family Court had further observed that the memorandum of understanding may be within the framework of the rules and laws, but the thing remains as it is that the bank had agreed to pay him a loan of Rs.30,00,000/- for purchase of the said car, which shows his credit worthiness and goodwill in the banks.

11. According to the wife, in view of the litigations between the parties, this document is created and what emerges is that the said car was purchased in the name of her



husband, he availed loan in his own name and the repayment of the loan was made by the Company to which he is the CEO. The Family Court considering all these facts and circumstances an inference has been drawn that in order to suppress the true facts the husband has created the said story, but in fact he himself purchased the said vehicle for his own use. Along with Ex.R1, he has produced notarised copies of certificates of registration of several vehicles. In all the said documents it is shown that the vehicles are standing in the name of Shagil Precision India Pvt. Ltd. But, all the said vehicles were earlier standing in his individual name and subsequent to filing of this petition he has transferred those vehicles in the name of his Company.

12. The Family Court had considered Ex.R2, the notarised copy of the certificate of incorporation of the Company. The said document shows that on 17.07.2013, the husband converted his proprietorship into a private company showing one Jyotika Kamath, Sharaschandra Shastry Chakrakodi and B.K. Narayan as directors of the said Company. What this shows is that subsequent to filing of this petition he has



converted the said proprietorship into the Company showing three persons as directors of the said Company, who were earlier working under him in the proprietorship business. He has shown himself as working under the said Company as Chief Executive Officer on monthly salary of Rs.53,000/-.

13. The court observed that the husband in his cross-examination has categorically admitted that all the cars now standing in the name of the Shagil Precision India Pvt. Ltd., were earlier standing in his name and he was the RC holder of the same. He admitted that in the year 2013 he visited Switzerland and Bangkok and even he worked at USA in an Armani cloth shop. He also stated that his son is presently studying at Georgia near Russia border and he is there since last 10 years. When his son was 18 years old he went to Georgia and now he is around 27 years and he deposed that yearly tuition fees of his son was 13500 US Dollars and he is paying the same. In the 'Times of India' daily newspaper dated 11.02.2013, an article is published in respect of the son of the petitioner and the respondent about his passion towards scuba diving and even some portion of the interview of the husband is



also published. The son of the petitioner and the respondent, at the age of 12, traveled to various countries and successfully performed scuba diving for more than 40 times. He was traveling to foreign countries twice in a year for scuba diving and he was planning to complete at least 100 scuba diving by the end of 2013 and he visited Pattaya Phuket in Thailand, Maldives and Mauritius.

14. The Family Court observed that when the boy was 12 years old he has performed 40 scuba diving which shows the lifestyle of the husband. Performing scuba diving at the sea-shore at Mangaluru or coastal line of Karnataka is not much costlier but visiting different countries like Maldives, Mauritius twice in a year and performing 40 scuba diving is a costly affair and the husband even in the year 2013, when the dispute started between the petitioner and respondent had given such a statement to the press appreciating the achievement of his son.

15. The Family Court further observed that it is very ridiculous to accept the story of the husband that now he is working as a CEO of the Shagil Precision India Pvt. Ltd., for a



monthly salary of Rs.52,000/-. It is observed that the husband had the habit of purchasing luxurious vehicles, he converted the proprietorship into a Company showing his earlier servants or employers as directors of said Company and started working under them as CEO for a meager salary of Rs.52,000/- per month. He has not produced any relevant documents pertaining to the said Company to show what is the structure of the said Company. Because it is repeatedly suggested during his cross-examination that only with an intention to deny maintenance to the wife, he has converted his well set up business into Company, shown himself as employee of the said Company for a meager salary. The Family Court observed that the husband has failed to produce his income tax returns for the crucial period i.e., the financial years just preceding filing of the petition or just preceding the dispute between both the husband and wife. What was the financial position of the husband for the assessment year 2008-09, 2009-10, 2010-11 and 2011-12 is much relevant, but for the best reasons known to him, he has not produced those documents. He has produced his income tax returns at Ex.R3 for the year 2014-15 showing his gross income as Rs.5,32,900/-. The Family Court had observed that an



inference has to be drawn that he has not produced his income tax returns for those relevant period for the simple reason that if he had produced them then the same would have gone against him.

16. During the cross examination of RW.1/husband, he gave evasive answers to the crucial questions about his business or income by saying that he is not remembering or he has to go through the accounts, documents etc. He has not produced any document on how he has converted his Proprietorship into a private limited company and how it has been sold to a company of Switzerland. He has admitted that none of the directors of the company are from Switzerland or foreign, all the directors are from India. Then the Family Court has drawn an inference that the husband has suppressed all the relevant materials, may be with an intention to deprive the right of the wife to claim maintenance or set up her own civil rights over the properties and business.

17. The Family Court had also considered that on 26.10.2007 and 02.04.2011, the wife executed GPA in favour of



the husband. But as per Ex.P15 she cancelled those GPA by issuing notice and intimation to the concerned bank as well as the company with whom they had joint development agreement. It is very surprising that on 12.10.2011 i.e., within two days of the cancellation of the GPA, he got executed a Deed of Settlement in respect to 20 cents of land in Sy.No.315/1B. It was executed in the name of the wife by the husband on the basis of the GPA executed by her in his favour and the said Settlement Deed was executed in his own name. The husband acting as GPA holder executed a Deed of Settlement in respect to 20 cents of land in his own name. He played double role in executing the said Deed of Settlement. In the sites purchased subsequent to the marriage, the husband not only constructed a big residential house apart from outhouse and guest house, but also constructed 8 floor building for commercial purpose. He has transferred some of the said properties in the name of his son, who is studying at Georgia. He has obtained the GPA from his son and looking after all the said properties. The Family Court held that the claim of maintenance of an amount of Rs.5,00,000/- is on the higher side. Considering the lifestyle of the wife and husband, the income of the husband and the



needs of the wife, the Family Court had granted the maintenance. Aggrieved thereby, the husband has filed the present petition.

18. On 13.12.2023, the Division Bench of this Court had granted stay of execution of the impugned order subject to the petitioner depositing 50% of the accrued maintenance awarded at the rate of Rs.1,80,000/- per month before the Executing Court within one month from 13.12.2023. The husband had assailed the said interim order before the Hon'ble Apex Court and the Hon'ble Apex Court by order dated 26.11.2024 has dismissed the same. On 13.01.2025, a Co-ordinate Bench of this Court had observed that the petitioner has not paid the amount as per the order dated 13.12.2023 and the wife is at liberty to execute the order. On 04.04.2025, the Co-ordinate Bench of this Court had observed that since the party-in-person has taken time, she shall not precipitate the execution proceedings till the next date of hearing. On 11.06.2025, this Court had directed the husband and wife to file an affidavit with regard to their immovable and movable properties. The husband shall particularly place before this Court the



transaction with the Swiss company i.e., of the year 2013 which is very much relevant for the purpose of deciding the case. On 01.07.2025, it is observed that as per the order dated 11.06.2025, both the parties have filed their respective statement of assets and liabilities. On 28.08.2025, this Court had directed the parties to file their written arguments. As per the order passed by this Court, both the parties have filed their written arguments.

19. Learned counsel appearing for the petitioner submits that the amount of maintenance that is awarded by the Family Court is on the higher side. It is submitted that the wife is educated and she has enough income and she is capable of earning. It is submitted that the application filed by the wife for summoning the documents including the MOA of Shagil Precision India Pvt. Ltd was rejected by the Court by order dated 11.04.2023. It is submitted that based on the newspaper articles and magazines, the Family Court cannot come to the conclusion that the husband is rich and pass orders on maintenance and the same is impermissible in law. Learned counsel had relied on the judgment of the Hon'ble Apex Court in



case of ***Laxmi Raj Shetty and Another Vs. State of Tamilnadu***¹. It is submitted that earlier, the salary of the husband was an amount of Rs.52,000/- and after 2019, it is reduced to an amount of Rs.42,000/-. After the company is taken over by the Swiss Company, all the vehicles and machineries were also taken over by the company. It is submitted that the Family Court had failed to take into consideration what is the actual income of the petitioner. It is submitted that the husband has taken several loans and he has a liability of Rs.33,34,281/- and he has also withdrawn the amounts from his Provident Fund on three occasions totaling Rs.5,93,700/- and has further availed loans from several banks.

20. It is submitted that the son is dependent on him and he is paying for his MBBS tuition fee of USD 13,500 per annum for 6 years from 2018 to 2024 besides other educational and living expenses. It is submitted that the order is passed more on assumptions and presumptions and the trial Court has committed an error in holding that the husband carried on business in various companies. All the statements that were

¹ 1988 3 SCC 319



made by the wife are without any basis and the same are taken on its face value by the court. It is submitted that the burden of proof lies on the wife who has come before the Court stating several facts and not on the husband, but the Family Court had fixed the burden of proof on the husband which is not correct. It is submitted that the holiday trips cannot be a basis for the Family Court to grant the maintenance. The Family Court had failed to consider the income and the financial capability of the husband and without any basis had granted the compensation. It is submitted that he is suffering from health issues due to the stress caused by the action of the wife and he has experienced an episode of chest pain and ischemia and the health issues are affecting his ability to earn. It is submitted that the husband is not in a position to pay the maintenance as directed by the Family Court or as per the interim order that is passed by this Court.

21. The wife has appeared as party-in-person and has filed her written arguments. It submitted that all the submission made on behalf of the husband are without any basis and in fact, the husband is having lots of properties and income. Only



with an intention to avoid paying maintenance to the wife, he has come up with these kind of contentions. It is stated that the husband has purchased several cars including Audi A6 and Audi Q3 apart from other cars. Income Tax returns for the year 2012-11 shows that the income is running into crores of rupees. It is the case of the wife that after the disputes arose between the parties, the husband had transferred some of his properties in the name of the minor son by Settlement Deed dated 22.06.2022, wherein he has put condition that he holds on to the life interests as well as control over the properties. The Settlement Deed is revocable at any time without assigning any reasons and that itself shows the intention of the husband. The wife has reiterated the grounds that are observed by the Family Court with regard to how the company Proprietorship is changed and how the employees of the company are shown as directors of the private limited company. It is stated that all the details that are given in the statement of assets and liabilities are not genuine. It is submitted that the Family Court had rightly considered his travel, the money he is paying towards the fees of the son and also other relevant aspects. It is stated that the wife is suffering with health issues, she has suffered a



paralytic attack and now she is completely depending upon her mother for attending the Courts. It is submitted that the wife is not in a position to maintain herself. The husband in spite of having income has failed to maintain the wife.

22. Having heard the learned counsel for the petitioner and the party-in-person, perused the material on record. The important factors from the above facts as observed by the Family Court and as submitted by the parties are that after the disputes have started, the Proprietorship was changed into a private limited company. The persons who were working as the employees are shown as the directors and the husband is the CEO of the company. Earlier, his income was an amount of Rs.52,000/- and after 2019, he is having salary of Rs.42,000/-. He is paying 13500 US Dollars towards his son's tuition fees. He transferred certain properties in the name of the son and obtained GPA which is revocable at any time without assigning any reasons. It is the case that he has property which is given on rent, in this factual backdrop, the husband says that his salary is Rs.42,000/- and he has lot of loans. It is the argument of the learned counsel for the petitioner that the Family Court



basing on the newspaper publications cannot grant maintenance. In these kinds of litigations, where both the wife and husband are fighting against each other, even these kind of information will assume some significance. When the son is in the custody of the husband and he says that his son is traveling out of country, he has performed so many scuba diving, all these reflects the financial capacity of the husband. It may not exactly quantify the income, but it definitely reflects the financial capacity of the husband. The Family Court had categorically discussed the conduct of the husband from the beginning by way of a lengthy judgment, the manner in which the husband had suppressed and distorted the facts for his advantage and to defraud the interest of the wife from claiming the maintenance. A person who is having an amount of Rs.42,000/- as monthly salary from 2019 till 2025, is able to pay an amount of Rs.12 lakhs per annum towards the education of the son. All these facts on the face of it are not believable. In the considered opinion of this Court, the Family Court has in detail considered and passed the order. This Court finds no reasons to interfere. Accordingly, this Court is passing the following:



HC-KAR

NC: 2025:KHC:54708
RPFC No. 163 of 2023

ORDER

- i. Accordingly, the revision petition is ***dismissed.***
- ii. All I.As in this petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

MEG
List No.: 1 Sl No.: 1