



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

REV.PET FAMILY COURT NO.8 OF 2026

BETWEEN:

1. SMT. SHEELA DATLA
W/O AJAY VATSAVAI
AGED ABOUT 46 YEARS
2. BABY ADITI VATSAVAI
D/O SRI. AJAY VATSAVAI
AGED ABOUT 08 YEARS
(MINOR, HENCE REPRESENTED BY
THE MOTHER, NATURAL GUARDIAN)

PRESENT BOTH R/AT NO.306,
PHASE-1, METRO PALM GROVE
APARTMENTS, SOMAJIGUDA,
RAJBHAVAN ROAD,
HYDERABAD-500 082.

...PETITIONERS

(BY SRI. ADITYA D.,ADVOCATE)

AND:

1. SRI. AJAY VATSAVAI
S/O SRI. V RAMALINGA RAJU
AGED ABOUT 48 YEAERS
R/AT NO.402, USHOODAYA MAREVEL
APARTMENTS, GREEN GLEN LAYOUT,
BELLANDUR VILLAGE,
BENGALURU-560 103.

AND ALSO AT,
SRI. AJAY VATSAVAI

Digitally signed by
VIJAYALAKSHMI
B N
Location: HIGH
COURT OF
KARNATAKA



ASSOCIATE DIRECTOR,
PROJECT MANAGEMENT,
TAVANT NMAM INSTITUTE OF TECHNOLOGY,
32, C BLOCK, GRAPE GARDEN,
17TH H MAIN ROAD, KHB COLONY,
6TH BLOCK, KORAMANGALA,
BENGALURU-560 095.

...RESPONDENT

(BY SRI. H. MOHAN KUMAR.,ADVOCATE)

THIS RPFC IS FILED UNDER SEC.19(4) OF THE FAMILY COURTS ACT., AGAINST THE ORDER DATED 19.12.2024 PASSED IN CRL. MISC NO.670/2023 ON THE FILE OF II ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, BNGALORE, DISMISSING THE PETITION FOR NON PROSECUTION.

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

CORAM: HON'BLE DR. JUSTICE K.MANMADHA RAO

ORAL ORDER

Being aggrieved by the order passed by the Court of II Additional Principal Judge, Family Court, Bengaluru, in Crl.Misc.No.670/2023, dated 19.12.2024, the petitioners have filed this petition.

2. For convenience of reference, the parties herein are referred to as per their rankings before this Court.



3. Petitioners have filed CrI.Misc.No.670/2023 under Section 125 of Cr.P.C. seeking maintenance. The Family Court dismissed CrI.Misc.No.670/2023 for non-prosecution at the stage of recording wife's evidence.

4. Learned counsel for the petitioners submitted that petitioner No.1-wife is a homemaker and has never been employed and the respondent-husband is gainfully employed. The respondent-husband is receiving rent from three apartments. The petitioners are dependent on her old father, her brother, and her sister. It is submitted that petitioner No.2 – minor child is in the care and custody of the wife and she has been taking care of the child with the help of her father. It is submitted that the husband is unwilling to take care of the child and, till date, has not asked about the child nor is concerned about the welfare of the child.

5. It is further stated that the minor child need nourishment, food, entertainment and education, which are taken care by the wife and the husband has failed to



provide all these basic amenities. Therefore, the wife has to make financial arrangements for the aforesaid needs of the minor child. It is submitted by the petitioners' counsel that it is difficult for the wife to bear the educational expenses of the child alone and the husband has the capacity to pay for all the expenses of both the petitioners. For the above reasons, the wife approached the Family Court seeking maintenance. But the Family Court dismissed the Crl.Misc.No.670/2023 filed by the wife for non-prosecution without hearing the case on merits.

6. Learned counsel for the wife relied on the Judgment of the Hon'ble Allahabad High Court in the case of ***Kehari Singh Vs. State of U.P. and another*** reported in ***2005 SCC Online All 1496***, wherein it was held as follows:

"The intention of the Legislature was to provide eminent relief to most needy person as wife, children and the parents as mentioned in Section 125 Cr. P.C. such persons are not able to maintain themselves and are facing many problems and they



are not earning persons. In such circumstances, they are not in a proper position to pursue their cases in the Court by affording the necessary expenses. So, in such miserable conditions and due to some unavoidable circumstances, they may not be able to attend the Court proceedings on every date fixed there to pursue their cases. In such a situation, if it is held that the Court lacks the jurisdiction to restore the case in absence of such provision, the very object and purpose of Legislature would be frustrated. The paramount rule of interpretation which overrides the others is that the Statute is to be expounded according to the intent of think that made it. Therefore, if there is any lacuna in the Statute, then also to oblige the Magistrate judicially in order to give effect to the will of the Legislature. Therefore, the learned Magistrate is empowered to restore the proceedings initiated under Section 125 Cr. P.C., which were dismissed in non-appearance of the complainant/applicant”.

7. Learned counsel for the husband denied the submissions made by the learned counsel for the petitioners and sought dismissal of the petition.



8. On hearing the submissions of the learned counsel appearing for the parties, the impugned order dated 19.12.2024 is hereby set aside and the matter is remanded back to the Family Court for considering the matter on merits.

9. In view of the same, the matter is remitted back to the Family Court for fresh consideration and pass appropriate order in accordance with law.

10. Accordingly, I proceed to pass the following:-

ORDER

- i. Writ petition is ***disposed of***.
- ii. The order rendered by the Court of II Additional Principal Judge, Family Court, Bengaluru in CrI.Misc.No.670/2023 dated 19.12.2024 is set aside.
- iii. The matter is remanded back to the Family Court to consider the same afresh and to pass orders.



- iv. Petitioners shall not seek any adjournments and should cooperate with the Court in disposal of the matter time bound.
- v. Both parties are directed to appear either in person or through their respective counsels before the Family Court on 15.05.2026 without further notice of this Court.
- vi. Family Court giving opportunity to both the parties to proceed with the matter and shall dispose of the matter ***as expeditiously as possible.***

SD/-
(DR.K.MANMADHA RAO)
JUDGE