



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

REV.PET FAMILY COURT NO. 27 OF 2026

BETWEEN:

T. N. GURUPRASAD,
S/O T. NARAYANAPPA,
AGED ABOUT 41 YEARS,
RESIDING AT NO.4, 2ND MAIN ROAD,
SUBEDARPALYA, YESHWANTHPURA,
BENGALURU - 560022.

...PETITIONER

(BY SRI. KRISHNA MURTHY M., ADVOCATE)

AND:

SMT. D. N. PAVITHRA,
W/O T. N. GURUPRASAD,
AGED ABOUT 34 YEARS,
RESIDING AT NO.166,
MUNESHWARA BLOCK,
MAHALAKSHMI LAYOUT,
BENGALURU - 560086.

...RESPONDENT

(BY SRI. HARISH N.R., ADVOCATE)

THIS RPFC FILED UNDER SEC.19(4) OF THE FAMILY
COURTS ACT., AGAINST THE ORDER DATED 05.09.2023
PASSED IN C.MISC NO.796/2019 ON THE FILE OF PRINCIPAL

Digitally signed
by AASEEFA
PARVEEN
Location: HIGH
COURT OF
KARNATAKA



JUDGE, FAMILY COURT, BENGLAURU, PARTLY ALLOWING PETITION FILED UNDER ORDER 125 OF Cr.P.C FOR MAINTENANCE.

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

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL ORDER ON IA No.1/2026

This is an application filed seeking the Court to condone the delay of 787 days in filing the revision petition.

2. Heard Sri.Krishna Murthy.M learned counsel for the petitioner as well as Sri.Harish.N.R learned counsel for the respondent. Gone through the contents of the affidavit given in support of the application as well as statement of objections filed by respondent.

3. Learned counsel for the petitioner submits that respondent filed a case seeking maintenance for sustenance of herself and her children. On receipt of notice, petitioner/husband engaged an advocate and filed



his statement of objections. Due to some misunderstanding that arose, petitioner's counsel issued no objection certificate (NOC). Petitioner thought of engaging another counsel. But he could not do so immediately and in the meantime impugned order came to be passed. Petitioner met with an accident and hence, he could not pursue the case properly. Thus, considering these reasons, the delay in filing the revision petition may be condoned.

4. Vehemently opposing the submission thus made, learned counsel for the respondent contends that petitioner is under obligation to maintain his wife and his two minor children. He did not choose to give any assistance for the well being of the children. Learned counsel submits that the grounds raised for condonation of delay are all false. Learned counsel for the respondent also submits that the maintenance case was filed in the year 2019. Petitioner/husband made his appearance and filed his statement of objections. In the statement of objections



he made a clear mention that he met with an accident, on 09.11.2017 that is much earlier to the filing of maintenance case itself. The maintenance case was disposed of in the year 2023. Thus, petitioner cannot take the plea that he met with an accident for the purpose of condonation of delay in filing the revision petition. Learned counsel also states that issuance of no objection certificate by his earlier counsel and failure on part of the petitioner to engage another counsel to conduct the maintenance case has no bearing on this petition filed for condonation of delay. Learned counsel further submits that a decree was passed in the year 2023 directing petitioner to pay maintenance to his wife and children. Wife and children waited for two long years. But they could not receive any amount from the petitioner. Thus, finally, after two years they filed a petition for execution. Even on receipt of notice in the execution proceedings, petitioner kept quiet. Only after non-bailable warrant was issued against him he filed the revision petition along with this application



seeking to condone the inordinate delay and therefore, there are no merits.

6. Record discloses justification in the submission that is made by learned counsel for the respondent. The maintenance case i.e., Crl.Misc.No.796/2019 was disposed of through order dated 05.09.2023. There is a clear mention in the impugned order that petitioner herein who is the respondent to the said case appeared through his counsel and filed his statement of objections and in the said statement of objections he took a stand that he met with an accident on 09.11.2017. Learned counsel for the petitioner made his submission as if after passing of an order directing petitioner to pay maintenance to his wife and children, petitioner met with an accident and therefore, he could not file the revision petition in time. Thus, said plea is unsustainable.

7. As rightly submitted by learned counsel for the respondent, through order dated 05.09.2023, Family Court



directed petitioner herein to pay a sum of Rs.20,000/- per month towards maintenance to the respondent/wife and the children and for the execution of said order, respondent/wife filed a petition in the year 2025. The proceedings initiated for execution of the maintenance order i.e., the proceedings in Crl.Misc.No.655/2025 reveals that petitioner herein appeared before the Family Court on 24.09.2025 and sought time to engage counsel. His counsel represented the matter on 03.11.2025. The petitioner was also present before the Court on that day. Thereafter direction was given to the petitioner to clear the arrears but he did not do so. Also the certified copy of the proceeding sheets reveals that by order dated 23.01.2026 Family Court issued non-bailable warrant against the petitioner herein. On 29.01.2026, revision petition came to be filed accompanied with this interlocutory application seeking the Court to condone the delay of 787 days in filing the revision petition. Thus, it is clear that petitioner kept quiet without payment of



maintenance to his wife and children for more than two years after passing of an order by the competent court, also kept quiet without challenging that order though he made his appearance in the execution proceedings till a non-bailable warrant was issued against him. Thus, this Court finds no grounds to condone the delay. No relief can be granted to a person who deliberately kept quiet and approaches the higher forum after long length of time, that too to escape from the punitive action being taken due to non-obedience of the order passed.

8. Petitioner failed to satisfy this Court that there are sufficient grounds to condone the inordinate delay of 787 days. Therefore, this Court is of the view that the petition lacks merits.

Resultantly, the petition is dismissed.

**Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE**