



CNR: KAHC010101222020

NC: 2026:KHC:39842
RPFC No. 134 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JULY, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

REV.PET FAMILY COURT NO.134 OF 2020

BETWEEN:

1. SMT. POORNIMA
W/O. RANGASWAMY
AGED ABOUT 35 YEARS
2. KU. AKSHATHA
D/O. RANGASWAMY
AGED ABOUT 8 YEARS
SINCE MINOR REPRESENTED BY HER MOTHER
NATURAL GUARDIAN-SMT. POORNIMA

BOTH ARE R/AT BEGUR
GUNDLUPET TALUK
CHAMARAJANAGARA
MYSURU-570 004

...PETITIONERS

(BY SMT. T. G. SUDHA, ADVOCATE)

AND:

SRI RANGASWAMY
S/O. SUBBASHETTY
AGED ABOUT 41 YEARS
R/AT GATAVADIPURA
NANJANAGUD TALUK
AND ALSO WORKING AS
ASST. TEACHER AT MARIMALLAPPA

Digitally signed
by AASEEFA
PARVEEN

Location:
HIGH COURT
OF
KARNATAKA



CNR: KAHC010101222020

NC: 2026:KHC:39842
RPFC No. 134 of 2020

HIGH SCHOOL
SEETHA VILAS ROAD
MYSURU-570 004

...RESPONDENT

(BY SRI M. NAGESH, ADVOCATE FOR
SRI Y. D. HARSHA, ADVOCATE)

THIS RPFC IS FILED UNDER SEC. 19(4) OF THE FAMILY COURT ACT., AGAINST THE ORDER DATED 09.10.2019 PASSED IN CRL.MIS.NO.636/2018 ON THE FILE OF THE III ADDITIONAL PRINCIPAL FAMILY COURT JUDGE, MYSURU, PARTLY ALLOWING THE PETITION FILED UNDER SEC.125 OF CR.PC., FOR MAINTENANCE.

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

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL ORDER

Heard Ms.T.G.Sudha learned counsel for the petitioners as well as Sri.M.Nagesh who represents Sri.Y.D.Harsha learned counsel on record for the respondent.

2. Challenge in this revision petition is the order that is rendered by the Court of III Additional Principal Judge, Family Court, Mysuru in Crl.Misc.No.636/2018 dated 09.10.2019.



3. First petitioner, being the wife and second petitioner, being the minor daughter of the respondent, filed a petition under Section 125 Cr.P.C. seeking maintenance. First petitioner sought a sum of Rs.15,000/- per month and second petitioner Rs.5,000/- per month. Family Court directed respondent to pay petitioner No.2/daughter a sum of Rs.5,000/- per month towards her maintenance till she completes the age of 12 years and thereafter Rs.10,000/- per month till her marriage or till she gets employment. Family Court held that first petitioner is not entitled to get any amount towards maintenance from the respondent. Aggrieved by the same, this revision petition is filed.

4. Learned counsel for the petitioners submits that due to the attitude and harassment of the respondent, first petitioner was forced to leave the matrimonial home along with the second petitioner. First petitioner started working as Teacher in a private school. Her income as on this day



CNR: KAHC010101222020

NC: 2026:KHC:39842
RPFC No. 134 of 2020

as per the memo filed by her before this Court, is Rs.16,700/-. Her employment is temporary and therefore, she may lose her job anytime. First petitioner is taking care of all the requirements of the second petitioner and is getting her educated. Respondent on the other hand is a permanent employee and he is working as Teacher in a High School. Respondent earns more than a lakh per month. First petitioner a temporary employee is incurring huge sum towards transportation charges and for maintaining herself and also the child. As Rs.10,000/- granted towards maintenance of the child is not sufficient, first petitioner is contributing substantial amount from her meager salary. Without looking at the financial status of parties, Family Court dismissed the case against the first petitioner and therefore, this revision petition is filed. Learned counsel thereby seeks to pass orders directing respondent to pay first petitioner a sum of Rs.15,000/- per month towards her maintenance.



CNR: KAHC010101222020

5. Opposing the submission thus made learned counsel for the respondent contended that respondent suffered with serious health issues due to wrong diagnosis and treatment by the Doctors. Later the disease was properly diagnosed. Due to wrong diagnosis and usage of wrong medicines, tuberculosis with which respondent was suffering got converted to MDRTB which is not curable. While respondent was suffering with serious ill health, first petitioner left him. Respondent therefore was constrained to file a petition seeking restitution of conjugal rights. Petition filed by respondent for restitution of conjugal rights was allowed. However, first petitioner failed to join. Learned counsel also states that first petitioner is a working woman and having perceived that fact and as the first petitioner failed to join the respondent despite a decree passed for restitution of conjugal rights, Family Court rightly dismissed her application filed for seeking maintenance and thus, this revision petition is not maintainable.



CNR: KAHC010101222020

NC: 2026:KHC:39842
RPFC No. 134 of 2020

6. In reply to said submission, learned counsel for the petitioners states that the decree passed for restitution of conjugal rights was challenged and the appeal is pending before this Court.

7. The contents of the salary particulars produced before this Court by way of memo, whose genuineness is not disputed by the respondent, goes to show that the net salary of first petitioner is Rs.16,700/-. In the affidavit filed, disclosing his assets and liabilities, respondent made a mention that his gross salary is Rs.1,04,226/-. Though learned counsel for the respondent contended that out of the salary which the respondent receives he has to pay income tax and maintain himself, this Court is of the view that the take-home salary of the respondent is much higher than that of the first petitioner. That apart, first petitioner is under obligation to dedicate her time and attention for the welfare of the child i.e., the second petitioner herein. Refusing to join the husband, though a



CNR: KAHC010101222020

NC: 2026:KHC:39842
RPFC No. 134 of 2020

decree is passed for restitution of conjugal rights, will not take away the right of the wife to claim maintenance and the liability of the husband to maintain her. That apart, in this case there is no denial of the fact that the decree passed for restitution of conjugal rights is challenged by the wife i.e., the first petitioner herein and the appeal is still pending. Therefore, liability vests upon the respondent to maintain the first petitioner. Having considered the fact that the first petitioner is also earning, taking into consideration her earnings, the salary of the respondent, his obligations and the amount that was awarded as maintenance to the second petitioner, this Court is of the view that respondent is required to be ordered to pay first petitioner a sum of Rs.7,500/- per month towards her maintenance. Therefore, this Court holds that dismissal of the petition filed by the first petitioner claiming maintenance from her husband i.e., respondent herein is not in accordance with the mandate of law. Hence, the revision petition is disposed of with the following:



CNR: KAHC010101222020

ORDER

- (i) The revision petition is allowed in part. Consequently, CrI.Misc.No.636/2018 filed by the first petitioner claiming maintenance from the respondent is allowed in part.
- (ii) Respondent is directed to pay first petitioner a sum of Rs.7,500/- per month towards her maintenance.
- (iii) Amount as ordered shall be paid from the date of filing of CrI.Misc.No.636/2018 till the lifetime of the first petitioner or until further orders by the competent Court.
- (iv) All arrears shall be cleared in the following manner:
 - (a) 25% of the arrears shall be deposited into the account of the first petitioner by the respondent by 30.09.2026.
 - (b) 50% of the arrears shall be deposited by the respondent into the account of first petitioner by 31.12.2026.



CNR: KAHC010101222020

NC: 2026:KHC:39842
RPFC No. 134 of 2020

- (c) Remaining 25% of the arrears shall be deposited by the respondent into the account of the first petitioner by 28.02.2027.
- (d) Amount granted towards maintenance in favour of first petitioner and second petitioner shall be deposited by the respondent into the account of the first petitioner till the second petitioner attains the age of majority by 10th of every succeeding month.
- (e) On second petitioner attaining the age of majority, amount awarded towards maintenance in her favour shall be deposited into her individual account.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

DS
CT:VC
List No.: 1 Sl No.: 11