



CNR: KAHC010110132020

NC: 2026:KHC:50854
RPFC No. 103 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

REV.PET FAMILY COURT NO. 103 OF 2020

BETWEEN:

1. KUM. DISHA P.,
AGED ABOUT 4 YEARS
SINCE MINOR
REPRESENTED BY MOTHER
AS NATURAL GUARDIAN
PETITIONER NO.2
2. SMT. PUSHPA Y.M.,
W/O PRADEEP
AGED ABOUT 26 YEARS
R/O YELWALA VILLAGE
MYSURU-571 130

...PETITIONERS

(BY SMT.P.V.KALPANA, ADVOCATE)

AND:

SRI.PRADEEP
S/O RAJU
AGED ABOUT 32 YEARS
WORKING AT J.K.TYRES
R/O DOOR NO.281
RAMAMANDIRA ROAD
PUMP HOUSE, HOSAHALLI
SRIRANGAPATNA
MANDYA DISTRICT-571 432

...RESPONDENT

(BY SRI. RAGHU M.N., ADVOCATE)

Digitally
signed by
SUVARNA T
Location
HIGH
COURT OF
KARNATAKA



THIS RPFC FILED UNDER SECTION 115 OF CPC, R/W SEC.19(4) FAMILY COURT ACT, AGAINST THE ORDER DATED 07.11.2019 PASSED IN CRL.MIS.NO.295/2017 ON THE FILE OF THE III ADDITIONAL PRL.JUDGE, FAMILY COURT, MYSURU, PARTLY ALLOWING THE PETITION FILED UNDER SECTION 125 OF Cr.P.C.IN TIME.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

Aggrieved by the order dated 07.11.2019 passed in Crl.Misc.No.295/2017 by the III Additional Principal Judge, Family Court, Mysuru, the petitioners are before this Court.

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

3. The wife had filed Crl.Misc.No.295/2017 under Section 125 of the Cr.P.C., seeking monthly maintenance of Rs.10,000/- each for herself and her daughter, respectively, and litigation expenses of Rs.30,000/-. By the impugned order, the Family Court had granted monthly maintenance of Rs.5,000/- per month to the child and Rs.6,000/- per month to



the wife until she joins the husband. Aggrieved thereby, the wife is before this Court.

4. Learned counsel appearing for the petitioners submits that the maintenance granted by the Family Court is very low, and with that she is not able to maintain herself and the child. The Family Court has failed to consider the case of the wife and also the financial capacity of the husband, who is in a position to take care of the wife and the child. It is submitted that against an order passed in a restitution case, she has filed an appeal, and the appeal is pending consideration. There may be a direction to the husband to pay the entire educational expenses of the child, and the maintenance may be enhanced.

5. Learned counsel appearing for the respondent/ husband submits that, in fact, the husband is ready to pay Rs.1,00,000/- per annum towards educational and other expenses. As far as the wife is concerned, she is not entitled to maintenance, as she has failed to join the husband as per the decree passed in the Restitution of Conjugal Rights.



6. Having heard the learned counsels on either side, perused the material on record. The Family Court had granted maintenance of Rs.5,000/- per month to the child and Rs.6,000/- to the wife. The child is now 10 years old. The husband is ready to pay Rs.1 lakh per annum. Educational expenses will not remain the same. As the girl grows and enters higher classes, the amount will increase. In those circumstances, this Court is of the view that the interest of justice would be met if the petitioner is directed to pay the educational expenses directly to the concerned school, upon furnishing the particulars by the wife. As for the submission that the wife has not joined the husband despite the decree passed for restitution and the appeal is pending, this Court is not inclined to consider the enhancement of her maintenance. In that view of the matter, this Court is passing the following order:

ORDER

- i. This Court is not interfering with the maintenance granted to the petitioner No.2/wife.



**NC: 2026:KHC:50854
RPFC No. 103 of 2020**

CNR: KAHC010110132020

- ii. As far as the maintenance of the child is concerned, the respondent/husband shall bear all educational expenses, and the wife shall provide the details so that the husband will pay the fees directly to the school.
- iii. Towards the other expenses, the respondent/husband shall continue to pay maintenance of Rs.5,000/- per month to the child.
- iv. Accordingly, this writ petition is ***disposed of***.
- v. All I.As. in this petition shall stand closed.

**SD/-
(LALITHA KANNEGANTI)
JUDGE**

MEG
List No.: 1 Sl No.: 63