



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.50 OF 2025

BETWEEN:

1. SMT VEENA N
W/O.SRI.KANTHARAJU.B.G,
D/O.SRI.NANJUNDASWAMY,
AGED ABOUT 44 YEARS,
2. SRI. VARUNRAJ.K,
S/O. SRI.KANTHARAJU.B.G,
AGED ABOUT 20 YEARS
3. SRI. VANDANRAJ.K
SRI.KANTHARAJU.B.G,
AGED ABOUT 17 YEARS,
SINCE MINOR REP. BY
NATURAL GUARDIAN,
MOTHER SMT.VEENA.N,
THE FIRST PETITIONER

PETITIONERS NO.1 TO 3
ARE R/AT DOOR NO.1176/77,
2ND CROSS, PATWEGAR
STREET, MANDI MOHALA,
MYSURU 570 021.

...PETITIONERS

(BY SRI. NANJUNDA SWAMY N., ADVOCATE)

Digitally signed by
VIJAYALAKSHMI
B N

Location: HIGH
COURT OF
KARNATAKA



AND:

SRI KANTHARAJU B G
S/O SRI.GURUSIDDAPPA,
AGED ABOUT 48 YEARS,
R/AT DOOR NO.59,
S.R.P ROAD,
BANNUR VILLAGE,
T.NARASIPURA TALUK,
MYSURU DISTRICT - 571 101.
PRESENTLY R/AT
SRINIVASA NILAYA,
KARASAWADI ROAD,
VINAYAKANAGARA,
MANDYA - 571 401.

...RESPONDENT

THIS RPFC IS FILED UNDER SEC.19(4) OF THE FAMILY
COURTS ACT., PRAYING TO SET ASIDE THE ORDER DATED
15.11.2024 PASSED IN CRL. MISC NO.570/2020 BY THE I
ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, MYSURU.

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

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



ORAL ORDER

The petitioner is before this Court being aggrieved by the order dated 15.11.2024 passed in C.Mis.No.5701/2020 passed by the I Additional Principal Judge, Family Court at Bengaluru (hereinafter referred to as 'Family Court').

Facts of the case:

2. The petitioner No.1 is the wife of the respondent and out of their wedlock they have two children. The respondent has filed petition for dissolution of marriage in M.C No.378/2014 before the Family Court at Mysuru. On 07.01.2017, the petition came to be dismissed. As the respondent neglected to maintain them, petitioners filed petition in Crl.Misc.No.70/2015 before the I Additional Principal Judge, Family Court, Mysuru seeking maintenance. The petition was allowed partly and directed the respondent to pay Rs.5,000/- per month to the petitioner No.1 till her lifetime and also directed to the respondent to pay Rs.2,500/- per month each to



petitioners No.2 and 3 till attaining their majority. The petitioners filed petition in CrI.Misc.No.570/2020 for recovery of arrears of maintenance. The Family Court, vide order dated 15.11.2024 dismissed the said petition with liberty to file fresh petition for the remaining balance. Aggrieved by the same, the petitioners are before this Court.

3. Learned counsel for the petitioners submitted that, on 19.10.2024, the Family Court issued NBW against the respondent. He contended that, on 15.11.2024, the Family Court passed an order that the petitioner No.1 is not diligent in prosecuting the case and it was dismissed with liberty to file fresh petition. It is further submitted that the Family Court failed to take note of the fact that NBW was issued against the respondent through SP, Mysuru. The said warrant was returned unexecuted. The Family Court without taking any action against the police has dismissed the petition, which is liable to be set aside.



Therefore, the learned counsel for the petitioners prays to allow the petition.

4. On perusal of the records, it appears that since 2020, the Family Court is repeatedly issuing NBW against the respondent for recovery of the claim amount, however, NBW return unexecuted with a shara that the respondent is absconding and whereabouts of the respondent is not known till date. Further, the Family Court granted time to the petitioner No.1 to take steps against the respondent on the immovable properties of the respondent, but, she has not taken any further steps to recover the amount. Therefore, the Family Court, vide order dated 15.11.2024 dismissed the petition holding that the petitioner No.1 is not diligent in prosecuting the case with a liberty to file fresh petition for remaining balance. This Court finds nothing wrong in the impugned order passed by the Family Court as the respondent has been absconding since 2020.



In view of the above, the revision petition is dismissed with a direction to the petitioner No.1 to take necessary steps in accordance with law by securing the presence of the respondent before the Family Court in compliance of the order dated 15.11.2024.

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

UN
List No.: 1 SI No.: 54