



CNR: KAHC010142292022

NC: 2026:KHC:51320
RPFC No. 70 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

REV.PET FAMILY COURT NO. 70 OF 2022

BETWEEN:

G. S. PRASANNA KUMARI,
W/O N UMADEVA ERAPPA
AGED 63 YEARS,
R/AT TRIDEVA NILAYA,
1ST FLOOR, 40 FEET ROAD
9TH MAIN, MAHALAKSHMI NAGAR,
TUMAKURU - 572 101.

...PETITIONER

(BY SRI. MALLA REDDY B V., ADVOCATE FOR
SRI. C. CHANDRASHEKAR, ADVOCATE)

AND:

N. UMADEVA ERAPPA,
S/O LATE ERAPPA,
AGED ABOUT 64 YEARS,
R/AT TRIDEVA NILAYA, 1ST FLOOR,
40 FEET ROAD,
9TH MAIN, MAHALAKSHMI NAGAR,
TUMAKURU - 572 101.

...RESPONDENT

(BY SRI. VIKYATH B., ADVOCATE (ABSENT))

THIS RPFC FILED UNDER SEC. 19(4) OF THE FAMILY
COURTS ACT., AGAINST THE JUDGMENT DATED 20.12.2021
PASSED IN C.MIS.NO.23/2019 ON THE FILE OF THE PRINCIPAL
JUDGE FAMILY COURT TUMAKURU, ALLOWING THE PETITION
FILED UNDER SEC. 125 OF CR.PC., FOR MAINTENANCE.

Digitally signed
by AASEEFA
PARVEEN
Location:
HIGH COURT
OF
KARNATAKA



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THIS PETITION, COMING ON FOR PART-HEARD IN
ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS
UNDER:

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL ORDER

Heard Sri.Chandrashekar, who represents Sri.Malla
Reddy B.V., learned counsel on record for petitioner.
Though Sri.Vikyath B., learned counsel is on record
representing respondent, learned counsel failed to make
his appearance and submit his contentions.

2. This revision petition is the outcome of the
order that is rendered by the Court of Principal Judge,
Family Court, Tumakuru, in Criminal Miscellaneous Case
No.23/2019 dated 20.12.2021.

3. As the relationship between the parties is not in
dispute, the revision petitioner will hereinafter be referred
to as the 'wife' and the respondent as 'husband'.

4. Wife, invoking Section 125 Cr.P.C. filed a
petition seeking maintenance from husband. Subjecting



the evidence of PW1, RW1, Exhibits P1 to P5 and Exhibits R1 to R34 to scrutiny, Family Court came to a conclusion that husband is liable to pay a sum of Rs.12,000/- Per month towards wife's maintenance. Projecting that a sum of Rs.12,000/- will not be sufficient to her to maintain herself, wife filed this revision petition.

5. Learned counsel for the petitioner/wife submits that petitioner/wife was harassed by respondent/husband and therefore she left the matrimonial home. Their marriage was solemnized in the year 1989 and they led happy marital life for considerable period. The marital bliss resulted in birth of two sons. The vices of husband and his behaviour drove the wife to reside separately along with the children. Husband filed a case seeking decree of divorce. However, said case was dismissed. Husband never took care to look after the welfare of wife. Wife has no source of earnings and therefore she filed a petition seeking maintenance. Husband retired from service and he is getting around Rs.65,000/- towards pension. Wife is



CNR: KAHC010142292022

suffering with old age ailments and therefore she require a sum of Rs.45,000/- per month for her necessities including medical expenses. The Court directed husband to pay a sum of Rs.12,000/- per month. Said sum is not sufficient for the wife to eke out her livelihood. Also, wife could not file the particulars of the pension which husband receives. Therefore, wife filed an application under Order XLI Rule 27 CPC seeking this Court to receive the documents produced as additional evidence. Entertaining her application, the revision petition may be allowed and a direction may be issued to respondent/husband to pay petitioner/wife a sum of Rs.45,000/- per month towards maintenance.

6. The version of the husband, as borne by record is that he never neglected his wife. He took care to impart proper education to both sons and now they are earning. His wife started ill-treating him and the sons joined her. He was humiliated and a false complaint was given against



CNR: KAHC010142292022

him. His wife and children are residing in the house which belongs to him. He is neglected by his wife and sons. He is suffering with old age ailments. He used to pay Rs.7,000/- per month to his wife and subsequently he stopped paying the same, as the sons are grown up and they are maintaining his wife. Further, he is paying EMI for the loan obtained. That apart, from the money given by him, wife purchased a residential site at Davanagere and said site is worth more than Rs.50,00,000/-. Wife can sell said site and the proceeds she would receive will be sufficient for her maintenance.

7. Wife succeeded in establishing that in the month of July 2019 her husband received a sum of Rs.57,037/- towards pension. Though petitioner/wife filed IA No.1/2026 under Order XLI Rule 27 CPC seeking the Court to permit her to produce relevant documents to establish the pension which her husband receives and with regard to her health condition, all the documents produced are photostat copies. That apart, no convincing reason is



stated as to why she could not produce those documents before the Family Court. Without convincing reasons, Court cannot receive any material as additional evidence. It is the duty of the party who seeks permission of the Court to produce additional evidence, to establish that due to genuine and convincing reasons, he/she was prevented to produce such evidence before the trial Court or that such evidence was not within his or her knowledge during relevant period. In the case on hand, no such grounds are established and therefore, this Court is of the view that the request of the petitioner for production of additional evidence cannot be obliged.

8. Admittedly, respondent/husband was receiving a sum of Rs.57,037/- towards pension during relevant period. Respondent/husband failed to establish that he has got any other liabilities except maintaining his wife. There is no denial of the fact that petitioner/wife lives in the house owned by the family. Thus, there is no requirement for the petitioner/wife to pay rent. Thus, considering these



facts, this Court is of the view that, respondent/husband ought to have been directed to pay petitioner/wife a sum of Rs.18,000/- per month towards maintenance. Hence, this Court ultimately holds that the revision petition is required to be allowed.

9. Therefore, the revision petition is disposed of with the following:

ORDER

- i) The revision petition is allowed in part.
- ii) The order that is rendered by the Court of Principal Judge, Family Court, Tumakuru, in Criminal Miscellaneous Case No.23/2019 dated 20.12.2021 is modified.
- iii) Respondent/husband is directed to pay petitioner/wife a sum of Rs.18,000/- per month towards her maintenance.



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iv) The amount fixed shall be paid from the date of filing of Criminal Miscellaneous Case No.23/2019 till the lifetime of petitioner/wife or until she becomes disentitled to receive maintenance.

v) I.A.No.1/2026 is dismissed.

vi) All arrears shall be cleared within a period of four months.

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

AP
CT:TSM
List No.: 1 Sl No.: 2