



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

REV.PET FAMILY COURT NO. 73 OF 2022

BETWEEN:

SHRI. S. N. MARTHANDAPPA,
S/O NINGAPPA,
AGED ABOUT 49 YEARS,
LECTURER IN SANJAY MEMORIAL,
POLYTECHNIC COLLEGE,
SAGARA,
SHIVAMOGGA - 577401.

...PETITIONER

(BY SRI. B. N. SHETTY, ADVOCATE)

AND:

Digitally signed
by AASEEFA
PARVEEN
Location: HIGH
COURT OF
KARNATAKA

1. SMT LATHA
W/O S.N. MARTHANDAPPA,
D/O RANGAPPA,
AGED ABOUT 40 YEARS,
R/O RAMYA NILAYA,
4TH A CROSS,
VIDYA NAGARA,
SHIVAMOGGA - 577401.
2. KUMARI SONAL,
D/O S.N. MARTHANDAPPA,
AGED ABOUT 12 YEARS,



3. KUMARA SHARAVAN,
S/O S.N. MARTHANDAPPA
AGED ABOUT 7 YEARS

RESPONDENTS NO. 2 AND 3 ARE
MINOR REPRESENTED THROUGH THEIR
NATURAL GUARDIAN MOHTE RIE
1ST PETITIONER,

AND RESIDING WITH THE 1ST RESPONDENT
IN THE ABOVE ADDRESS.

...RESPONDENTS

(BY SRI. ABHINAV RAMANAND A., ADVOCATE FOR R1;
R2 AND R3 ARE MINORS REP. BY R1)

THIS RPFC FILED UNDER SECTION 19(4) OF THE FAMILY
COURTS ACT., AGAINST THE ORDER DATED 24.12.2021
PASSED IN CRI.MIS.NO.148/2017 ON THE FILE OF THE
PRINCIPAL JUDGE, FAMILY COURT SHIVAMOGGA ALLOWING
THE PETITION FILED UNDER SECTION 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 Sri.B.N.Shetty, learned counsel for the petitioner as well as Sri.Abhinav Ramanand.A, learned counsel for respondent No.1.

2. Challenge in this revision petition is the order that is passed by the Family Court, Shivamogga in Crl. Misc.No.148/2017 dated 24.12.2021. Respondent No.1 who is the wife, respondent No.2 who is the daughter and respondent No.3 who is the son of the petitioner filed a petition under Section 125 Cr.P.C claiming maintenance. Family Court, Shivamogga through the impugned order directed petitioner herein to pay respondent No.1/wife a sum of Rs.20,000/-, respondent Nos.2 and 3/children a sum of Rs.10,000/- each per month towards their maintenance. Aggrieved by the same, this revision petition is filed.

3. Learned counsel for the petitioner submits that first respondent is an employee in Government Health Department, Shivamogga. She earns around Rs.30,000/- per month. First respondent deserted the petitioner without valid reason.



Petitioner filed a petition for restitution of conjugal rights and the same was decreed. But first respondent failed to join the petitioner. Therefore, first respondent is not entitled for any maintenance. Petitioner earns around Rs.60,000/- per month. He is not disputing his liability to maintain his children i.e., respondent Nos.2 and 3. As respondent No.1 is an employee and is earning and as she has refused to join the petitioner despite a decree being passed against her, she is not entitled for any maintenance.

4. Learned counsel for respondents on the other hand states that petitioner earns around Rs.1,00,000/- per month. Except respondents, he has no other dependents to be looked after. Respondent No.1 was earning Rs.18,000/- per month and now she earns around Rs.20,000/- per month. Respondent Nos.2 and 3 requires lot of amount for their education and well being. Respondent No.1 is attending all the needs. Though Family Court directed the petitioner to pay maintenance and though interim orders were passed by this Court in respect of payment of maintenance, petitioner failed to pay the same and there are huge arrears. That apart, the decree passed for



restitution of conjugal rights was challenged in the appeal and appeal is pending. Thus this revision petition is not maintainable.

5. It is not the version of the petitioner that apart from salary, respondent No.1 has got any other source of earnings. Likewise respondent No.1 failed to establish that petitioner has got any other source of income apart from the salary he gets. However, the undisputed fact is that the children born out of the lawful wedlock i.e., respondent Nos.2 and 3 are residing with respondent No.1 and thereby she is obligated to look after all their needs and necessities. Also it is clear that respondent No.1 is attending her duties after attending each and every necessity of respondent Nos.2 and 3. Such an obligation is not undertaken by the petitioner. On a query posed by this Court, learned counsel for the petitioner submitted that petitioner has not disclosed his assets and liabilities by filing an affidavit to that effect and he has also not produced his salary certificate. An observation to that effect is also made at paragraph No.20 of the impugned order.



6. As the decree passed for restitution of conjugal rights is challenged by way of appeal and as the appeal is pending, petitioner cannot escape from the liability to maintain respondent No.1 on the ground that respondent No.1 has not obliged the decree of restitution of conjugal rights. However, as respondent No.1 is also earning, this Court is of the view that the sum granted towards monthly maintenance i.e., Rs.20,000/- in her favour is exorbitant. So far as the amount granted towards maintenance for respondent Nos.2 and 3, i.e., Rs.10,000/- each, the same is justifiable and therefore, needs no interference. Having considered the status of parties i.e., petitioner and respondent No.1 and their earnings, this Court is of the view that petitioner can be directed to pay respondent No.1 a sum of Rs.10,000/- per month towards maintenance.

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

ORDER

- (i) The revision petition is *allowed in part*.



- (ii) The direction issued to the petitioner to pay respondent No.1 a sum of Rs.20,000/- per month towards maintenance is modified. Petitioner is directed to pay respondent No.1/wife a sum of Rs.10,000/- per month towards her maintenance.
- (iii) Said amount to be paid from the date of petition till respondent No.1 re-marries or until further orders by the competent Court.
- (iv) Petitioner shall also pay respondent Nos.2 and 3 a sum of Rs.10,000/- each per month as ordered by the Family Court.
- (v) However, such maintenance shall be paid to respondent No.2/daughter till the date of her marriage or till she becomes financially independent whichever is earlier.
- (vi) The amount granted towards maintenance of respondent No.3/son shall be paid from the



date of petition till he attains the age of majority.

- (vii) Arrears, if any, at the rate mentioned through the orders in this revision petition shall be cleared by the petitioner within a period of 8 weeks.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

NS
CT:TSM
List No.: 1 Sl No.: 41