



CNR: KAHC010189792020

NC: 2026:KHC:51426
RPFC No. 144 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

REV.PET FAMILY COURT NO. 144 OF 2020

BETWEEN:

SRI MAHADEVAIAH @ RAVICHANDRA
S/O VEERABHADRAIAH
AGED ABOUT 38 YEARS
R/A HABBANAKUKPPE VILLAGE
HANGODU HOBLI, HUNSUR TQ
MYSURU-570 105

...PETITIONER

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

AND:

1. SMT.SARITHA
W/O MAHADEVAIAH @ RAVICHANDRA
AGED ABOUT 33 YEARS
2. KUM. PRAGATHI M.,
D/O MAHADEVAIAH @ RAVICHANDRA
AGED ABOUT 11 YEARS

REP BY MOTHER RESPONDENT NO.1
AS GUARDIAN

BOTH ARE R/A NO. 113,
1ST MAIN, 2ND CROSS
MAHADESHWARA EXTENSION
METAGALLI POST
MYSURU-570 001

...RESPONDENTS

(BY SRI.B.K.MOHAN, ADVOCATE FOR R1)



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THIS RPFC FILED UNDER SECTION 19(4) OF FAMILY COURTS ACT AGAINST THE JUDGMENT DATED 19.11.2018 PASSED IN C.MIS.No.368/2017 ON THE FILE OF THE I ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, MYSURU PARTLY ALLOWING THE PETITION FILED UNDER SECTION 125 OF Cr.P.C FOR MAINTENANCE.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

Aggrieved by the order dated 19.11.2018 passed in C.Misc.No.368/2017 by the I Addl. Prl. Judge, Family Court at Mysuru, the husband is before this Court. For the sake of convenience, the parties are referred to henceforth as husband and wife.

2. The wife has filed a criminal miscellaneous seeking maintenance for herself and the daughter. The Family Court, by order impugned has granted maintenance of Rs.4,000/- to the wife and Rs.2,000/- to the child.

3. While granting the maintenance, the Family Court had observed that by looking into the evidence, it reflects that petitioners and respondent are residing separately. The



respondent deposed that the first petitioner lodged a criminal case against him for dowry harassment. The evidence of both parties, which reflects that in order to reunion them, the elders and well-wishers tried their level best, but the matter is not settled. The respondent appeared before the Court, filed his objection, and led his evidence. But not chosen to cross-examine PW1. PW1 in her evidence categorically deposed that though the respondent has got sufficient income, he totally neglected to maintain them. The wife has not produced any document to show that the husband is having the agricultural property. The evidence, itself reflects that the respondent is able bodied man and he is having sufficient income. According to him, he is doing cooli and out of his earning, he is maintaining his mother. The husband should not forget that he is a duty bound to maintain his wife and child, who are unable to maintain themselves. Though the husband has stated that the wife is working for Airtel Company at Mysore, he has not produced any material evidence before the court to show that wife is able to work and earn. The evidence which reflects the husband has not even bothered to take care of the child and



not bothered to know in which school and in which class and in which standard the child is studying. So it is very clear that the respondent/husband has totally neglected to maintain his wife and child and even though to discharge his legal and moral obligations towards the wife and child. By looking into the status of both the parties it is reasonable to award Rs.4,000/- to the wife and Rs.2000/- to the child. Accordingly, the Family Court has awarded the maintenance.

4. Learned counsel appearing for the husband submits that both the parties have not filed their statement of assets and liabilities, as this is a case prior to the judgment of the Apex Court in ***Rajnesh v. Neha*¹**. It is submitted that the wife is educated, she is capable of earning and these aspects were not considered by the Court. It is a case that, without a reasonable cause, she is staying away from the matrimonial home, and she is not entitled to any maintenance. In fact, the daughter also by this time is a major; hence, they are not entitled for maintenance, and the amount that is granted is on the higher side.

¹ (2021) 2 SCC 324



5. Learned counsel appearing for the respondent submits that though the wife was educated, as she has done only diploma, she could not secure a job. All the while, she has been taking care of the child and herself with the help of the parents. It is submitted that the court has granted a meager amount, and further, the husband has not cross-examined the wife and could not elicit anything. In those circumstances, the court was right in granting the compensation.

6. Having heard the learned counsels on either side, perused the material on record. The Family Court had granted an amount of Rs.4,000/- to the wife and Rs.2,000/- to the child. According to them, on the day, no statement of assets and liabilities were filed. The only contention raised on behalf of the husband is that his wife is capable of earning. This Court, looking at the amount that is granted and the suit is filed in the year 2017, further till now the mother is the one who is taking care of the child. It is very difficult for her to see that both ends meet. In those circumstances, this Court do not find any reason to interfere. The other contention that the girl has become major is a separate issue. In the light of the judgment of the



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Supreme Court, the unmarried daughter, instead of filing applications under the G & WC in the pending 125 Cr.PC proceedings, she is entitled for maintenance. In that view of the matter, this Court is also not inclined to appreciate that submission. Accordingly, this Court is passing the following:

ORDER

- i. Accordingly, our Revision Petition Family Court is ***dismissed***.
- ii. All pending I.As., in the petition shall stand closed.

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

PKN
List No.: 1 Sl No.: 40