



CNR: KAHC010221462025

NC: 2026:KHC:39220
RPFC No. 95 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF JULY, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

REV.PET FAMILY COURT NO.95 OF 2025

BETWEEN:

SRI C. LINGARAJ
S/O. LATE CHANNABASAPPA PALEGAR
AGED 49 YEARS
R/O. BEHIND ANJANEYA SWAMY TEMPLE
ANEKONDA, DAVANGERE AND
WORKING IN GUPTA'S MOBILE SHOP
K.E.B CIRCLE, OPPOSITE TO MUSLIM HOSTEL
DAVANGERE

...PETITIONER

(BY SRI CHETHAN, ADVOCATE FOR
SRI B. M. HALASWAMY, ADVOCATE)

AND:

1. SMT. R. LAKSHMI
W/O. C. LINGARAJA
AGED 28 YEARS
HOUSE MAKER
R/O A.K. COLONY
BETHURU ROAD
DAVANGERE
2. KUM. OHLESHWAARI L.
D/O. C. LINGARAJA
AGED 09 YEARS

Digitally signed
by AASEEFA
PARVEEN

Location: HIGH
COURT OF
KARNATAKA



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RESPONDENT NO.2 BEING MINOR
REPRESENTED THROUGH HER MOTHER
RESPONDENT NO.1

RESPONDENTS

(R-1 IS SERVED AND R-2 IS MINOR REPRESENTED BY R-1)

THIS RPFC IS FILED UNDER SEC.19(4) OF THE FAMILY COURTS ACT., AGAINST THE ORDER DATED 17.01.2025 PASSED IN CRL. MISC NO.135/2020 ON THE FILE OF JUDGE, FAMILY COURT, DAVANAGERE, PARTLY ALLOWING THE PETITION FILED UNDER SEC.125 OF CR.P.C., 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.Chethan, who represents Sri.B.M.Hala Swami, learned counsel on record for the petitioner.

2. Though notice was served upon the respondents, respondents have not chosen to represent.



3. Challenge in this revision petition is the order that is rendered by the Family Court, Davanagere in Crl.Misc.No.135/2020 dated 17.01.2025.

4. Respondents filed a petition under Section 125 Cr.P.C claiming maintenance from the petitioner herein. Family Court, Davanagere through the impugned order directed petitioner herein to pay respondent No.1/wife a sum of Rs.5,000/- per month and respondent No.2/daughter a sum of Rs.3,000/- per month towards maintenance.

5. Aggrieved by the order thus passed, this revision petition is filed.

6. Arguing on merits of the matter, learned counsel for the petitioner states that the marriage of the petitioner with respondent No.1 was solemnized in the year 2014. They lived together barely for 2 weeks. Respondent No.1 was having illicit intimacy with one Shashi Kumar, who was her neighbour at her parents'



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house. Even after marriage she continued such illegal intimacy. Without sufficient cause, respondent No.1 left the matrimonial home. Petitioner made several attempts to convince respondent No.1 to lead marital life with him, but respondent No.1 failed to hear the words of petitioner and elders. Petitioner is not the biological father of respondent No.2. Petitioner has no knowledge when respondent No.1 became pregnant and when respondent No.2 was born. Thus petitioner is not liable to pay any maintenance to the respondents. But without appreciating the facts of the case, Family Court directed petitioner to pay respondents huge sum as maintenance. Learned counsel also states that petitioner initiated proceedings for grant of divorce and in the said case i.e., MC No.255/2020, respondent No.1/wife filed IA No.III seeking interim maintenance and Family Court, Davanagere directed petitioner to pay respondent No.1/wife a sum of Rs.3,000/- per month towards interim maintenance. Orders passed on IA No.III were not taken into



consideration by the Court while fixing the quantum and rendering orders in CrI.Misc.No.135/2020. By stating thus, learned counsel seeks to set aside the impugned order.

7. It is not the case of the petitioner that respondent No.1 gave birth to respondent No.2 prior to the date of marriage or after the marriage was dissolved through a decree by the competent Court. Thus it has to be held that respondent No.2 was born to respondent No.1 during valid subsistence of marriage. Except making an allegation that respondent No.1 maintains illicit intimacy with another person, petitioner has not chosen to produce convincing material to establish said fact. Petitioner failed to establish the alleged intimacy of respondent No.1 with another person as well as his version that he is not the biological father of respondent No.2. Therefore, Family Court, Davanagere rightly held that liability vests upon the petitioner to maintain the respondents herein. So far as the order rendered on IA No.III in MC No.255/2020 is concerned, on a query posed by this Court, whether the



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order on IA No.III in MC No.255/2020 was brought to the notice of the Court while the case in Crl.Misc.No.135/2020 was being dealt with, learned counsel for the petitioner fairly conceded that said order was not brought to the notice of the Court. Therefore, petitioner now cannot state that without appreciating the orders passed on IA No.III in MC No.255/2020 and considering that order, the orders in Crl.Misc.No.135/2020 were rendered.

8. Considering the facts and circumstances of the case and also the financial status of the parties, the petitioner was rightly directed to pay respondent No.1 a sum of Rs.5,000/- per month towards maintenance and a sum of Rs.3,000/- per month towards maintenance in favour of respondent No.2/child. Hence, this Court is of the view that there are no grounds to interfere with the findings given through the impugned order.

9. In case petitioner intends to get the impugned order modified in the light of the orders rendered on IA



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No.III in MC No.255/2020, nothing prevents him to move necessary application for modification. Thus the revision petition is disposed of with the following:

ORDER

The revision petition is *dismissed*.

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

NS
CT:VC
List No.: 1 Sl No.: 51