



CNR: KAHC010291812026

NC: 2026:KHC:38951
RPFC No. 112 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF JULY, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

REV.PET FAMILY COURT NO.112 OF 2026

BETWEEN:

SRI SHIVAKUMARASWAMY C.
S/O. CHANDRASHEKARAIHAH
AGED ABOUT 43 YEARS
RESIDING AT MEGALADODDI
MAADABAL HOBLI, ATTINAGERE POST
MAGADI TALUK
RAMNAGARA-562 120

...PETITIONER

(BY SRI GANESHA R., ADVOCATE)

AND:

CHIRASVI S.
D/O. ASHA P. (KEERTHI)
AND SHIVAKUMARASWAMY S.
AGED ABOUT 12 YEARS
MINOR REPRESENTED BY HER
MOTHER/NATURAL GUARDIAN-SMT. ASHA P.
RESIDING AT NO.12
SIDDALINGESHWARA NILAYA
9TH F CROSS, NEAR SIDDIVINAYAKA TEMPLE
LAKSHMANNAGAR, HEGGANAHALLI CROSS
BENGALURU-560 091

...RESPONDENT

(BY SRI RAVISHA M. G., ADVOCATE)

Digitally signed
by ASHEEFA
PARVEEN

Location: HIGH
COURT OF
KARNATAKA



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THIS RPFC IS FILED UNDER SEC.19(4) OF THE FAMILY COURTS ACT., AGAINST THE ORDER DATED 15.05.2025 PASSED IN CRL. MISC NO.1017/2023 ON THE FILE OF THE V ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, BENGALURU, 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.Ganesha R., learned counsel for the petitioner as well as Sri.Ravisha M.G., learned counsel for the respondent.

2. Being aggrieved by the order that is passed by the Court of V Additional Principal Judge, Family Court, Bengaluru, in Crl.Misc.No.1017/2023 dated 15.05.2025, the petitioner is before this Court raising a contention that he is not liable to pay a sum of ₹10,000/- towards maintenance of his daughter i.e. the respondent herein.

3. Learned counsel for the petitioner submits that the petitioner was set ex parte by the Family Court. Respondent failed to produce any proof with regard to the occupation and earnings of the petitioner. Without appreciating that fact, only on the ground that petitioner remained ex parte, Family Court



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Bengaluru, directed petitioner herein to pay respondent a huge sum of ₹10,000/- towards maintenance. Learned counsel states that petitioner has got no source of earnings and he is unable to maintain himself. Learned counsel thereby seeks to set aside the impugned order.

4. Learned counsel for the respondent on the other hand submits that petitioner totally failed and neglected to maintain his daughter and therefore daughter filed a petition under Section 125 Cr.P.C. seeking maintenance. Petitioner is a cab driver and he earns a lot. That apart he owns certain movable and immovable property. Learned counsel thereby seeks to dismiss the revision petition.

5. No doubt petitioner failed to contest the matter. However, the respondent who sought maintenance from the petitioner is under obligation to establish the financial status of the petitioner. But, respondent as per the material available on record failed to produce substantive proof to establish the occupation and earnings of the petitioner. Though Family Court observed that there are no documents regarding the income of the petitioner herein, yet directed him to pay respondent a sum



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of ₹10,000/- per month towards maintenance. This Court is of the view that the order therefore is unsustainable in the eye of law.

6. Hence, the revision petition is disposed of with the following

ORDER

- i) The revision petition is allowed.
- ii) The order that is rendered by the Court of V Additional Principal Judge, Family Court, Bengaluru, in Crl.Misc.No.1017/2023 dated 15.05.2025 is set aside.
- iii) Family Court is directed to restore the case on file, deal with the matter as provided under law and dispose of the matter afresh.
- iv) Revision petitioner/respondent shall file his statement of objections as well as the statement of assets and liabilities within a period of three weeks before the Family Court.



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- v) Both parties are directed to appear before the Family Court on 10.08.2026.
- vi) Petitioner is directed to pay respondent a sum of ₹7,000/- per month towards interim maintenance. Such amount shall be paid from the date of filing of Crl.Misc.No.1017/2023 until further orders by the Family Court.
- vii) All arrears shall be cleared within a period of 45 days.
- viii) Family Court is directed to permit the petitioner to lead evidence only on filing sufficient proof that all arrears are cleared.
- ix) Family Court is directed to make all endeavour to dispose of the case within a period of four months from the date of receipt of copy of this order.
- x) Revision petition is accordingly disposed of.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE