

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

REV.PET FAMILY COURT NO.151 OF 2025

BETWEEN:

SRI. ABHISHEK S.J,
AGED ABOUT 29 YEARS,
S/O JAYARAMEGOWDA,
R/AT SHEERENAHALLI,VILLAGE,
GAVADAGERE HOBLI,
HIRIKYATHANAHALLI POST,
HUNSUR TALUK- 571 134 .
MYSURU DISTRICT.

...PETITIONER

(BY SRI. B.S. NAGARAJ.,ADVOCATE)

AND:

1. SMT. N.DIVYA
AGED ABOUT 26 YEARS,
W/O ABHISHEK S.J
2. BABY JANVI. A
AGED ABOUT 7 YEARS,
D/O ABHISHEK S.J
3. BABY VAISHNAVI
AGED ABOUT 4 YEARS,
D/O ABHISHEK S.J

THE RESPONDENT NO.2 & 3 ARE
MINORS AND THEY ARE
REPRESENTED BY THEIR MOTHER
AND NATURAL GUARDIAN,
THE RESPONDENT NO.1 MOTHER.

ALL ARE RESIDING AT NO.74,
HALEKAMANAKOPPAL VILLAGE,

YELWAL HOBLI,
MYSURU TALUK,
MYSURU DISTRICT-570 001.

...RESPONDENTS

(BY SRI. MAHESH B.J.,ADVOCATE FOR R-1 TO R-3,
R-2 AND R-3 ARE MINORS AND REPRESENTED BY R-1)

THIS RPFC IS FILED UNDER SEC.19(4) OF THE FAMILY COURTS ACT., AGAINST THE ORDER DATED 15.02.2025 PASSED IN CRL. MISC NO.17/2024 ON THE FILE OF PRINCIPAL JUDGE, FAMILY COURT, MYSURU, PARTLY ALLOWING THE PETITION FILED UNDER SEC.125 OF Cr.P.C., FOR MAINTENANCE.

THIS REVISION PETITION FAMILY COURT HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 09.03.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE DR. JUSTICE K.MANMADHA RAO

CAV ORDER

This writ petition is filed by the petitioner–husband under Articles 226 and 227 of the Constitution of India challenging the order dated 15.02.2025 passed by the learned Principal Judge, Family Court, Mysuru ('the Family Court' for short), whereby the Family Court allowed the application filed by the respondents–wife and minor children under Section 125 Cr.P.C., and directed the petitioner to pay interim maintenance of Rs.5,000/- per month each, to respondents 2 and 3 from the date of the petition till they get married.

2. The parties will be referred to as per their ranking before the Family Court. Petitioner No.1 is wife, Petitioners 2 and 3 are minor children and respondent is the husband before the Family Court.

Brief facts leading to the filing of the petition are as under:

3. The marriage between the Petitioner No.1-wife and the respondent-husband was solemnized on 25.02.2018 at Hunsur Taluk in Mysuru district as per Hindu customs and rituals. During the marriage parents of wife had given 100 grams of golden ornaments and ½ kg., of silver articles and cash of Rs.2,00,000/- as dowry to the respondent and spent Rs.1,00,000/- towards other articles. Petitioner No.1 was physically and mentally harassed by husband for further dowry and the reason that Petitioners 2 and 3 both are female issues. Petitioner No.1 filed a petition under Section 125 of Cr.P.C., seeking maintenance.

4. After service of notice, the respondent entered appearance and filed objections denying the allegations made in the petition. The respondent contended that he is not keeping good health and he has no sufficient source of income

to maintain himself and not able to maintain petitioners. That Petitioner is earning Rs.17,000/- p.m., and it is her responsibility to maintain him and sought for dismissal of petition.

5. The Petitioner No.1 has deposed before the Court as P.W.1 and she has produced 22 documents marked as Ex.P1 to Ex.P22. Respondent deposed as R.W.1 and relied upon 06 documents marked as Ex.R1 to Ex.R6. It is contended that respondent made illegal demand for dowry and site and neglected to maintain his wife and minor daughters. It is alleged that he drove petitioners out of matrimonial house. Per contra, husband has contended that petitioner No.1 herself drove him out of the house of her parents. PW.1-wife has deposed that initially for one week, she was in the house of PW.1 and thereafter, Petitioners 1 to 3 started residing in a rented house. PW.1 further deposed that respondent has got extra-marital affair and produced Ex.P13-photograph to that effect. Further she has deposed that she is drawing a salary of Rs.10,000/- p.m. Ex.R5 and Ex.R6 are documents got marked by respondent's counsel in order to prove that properties are joint family properties and are under dispute. RW.1-husband has denied that he is doing any real estate business and

contract work. He has denied allegation that he is having illicit relationship with his colleague Aishwarya.

6. Learned counsel for the husband contended that he is not having sufficient income to maintain himself. Further it is alleged that wife is having sufficient income to maintain herself and minor daughters. It is submitted that the Family Court failed to appreciate that the document produced by the petitioner as Ex.R1 to Ex.R4 clearly show that petitioner/husband is suffering from various deceases and not able to maintain himself as he is not having sufficient income.

7. Learned counsel appearing for wife and children submits that the marriage was performed by spending Rs.10,00,00/- by parents of respondent No.1/wife. It is further contended that during the marriage parents of wife had given 100 grams of golden ornaments and ½ kg., of silver articles and cash of Rs.2,00,000/- as dowry to the respondent and spent Rs.1,00,000/- towards other articles. The wife was physically and mentally harassed by husband for further dowry and the reason that both are female issues. It is submitted that husband was addicted to alcohol and had driven his wife and children out of matrimonial home. It is further contended

that the main reason for dispute was the lady called Aishwarya with whom he had illicit relationship. Photograph at Ex.P13 is also produced to show the husband along with said Aishwarya along with a child.

8. Heard the learned counsel for both the parties and perused the material on record.

9. It is observed by this Court that after the marriage and birth of two female children, misunderstanding grew between husband and wife. The husband failed to maintain wife and children and drove them out of the matrimonial home. Thereafter, a case was filed before the Family Court in C.Mis.No.17/2024 for maintenance. RW1-husband in his cross-examination has clearly admitted that on the complaint filed by PW.1, he was called by the Police and his statement was also recorded. It is seen from the photograph at Ex.P13 that the present petitioner/husband is seen along with one lady by name Aishwarya along with a child. It is clear from this photograph that husband developed illicit relationship with another woman during the subsistence of the marriage. Therefore, the wife has got legal right to refuse to live with him. Under Section 125 of Cr.P.C., a wife is having legal right

to refuse to live with the husband in case he develops any such illicit relationship with another woman. Further, from the conjoint reading of evidence of both wife and husband, it is proved that husband has failed to maintain his wife and two minor female children. Further, wife is earning and maintaining herself and children without any financial assistance from husband. The wife has produced her assets and liabilities affidavit and given the details of expenditure of children and educational expenses of children. Whereas husband has not furnished details of assets and liabilities. Further, from the records, it can be seen that the husband is having decent income. It is seen that wife is having an income of Rs.12,500/- p.m. That itself does not disentitle her two minor children from maintenance. It is the duty of the father to maintain minor children.

10. It is pertinent to note that a sum of Rs.5,000/- each per month awarded to minor children by the Family Court is just and reasonable and cannot be said to be excessive, especially considering the educational expenses and medical expenses of minor children. The Family Court has exercised its discretion judiciously after considering the facts and circumstances of the case and the material placed on record.

Therefore, maintenance of Rs.5,000/- each awarded to Respondent Nos.2 and 3 before this Court, who are minor children is just and proper and does not call for any interference. Therefore, the impugned order does not suffer from any illegality, perversity warranting interference.

11. In the result, the following order is passed:

(i) The RPFC is ***dismissed***.

(ii) The order dated 15.02.2025 passed by the Prl. Judge, Family Court at Mysuru in Crl.Misc.No.17/2024 is hereby affirmed.

(iii) The interim maintenance of Rs.5,000/- to Respondents No.2 and 3 as directed by the Family Court shall continue to be paid by the petitioner/husband during the pendency of the matrimonial proceedings.

No order as to costs.

**SD/-
(DR.K.MANMADHA RAO)
JUDGE**

BNV