

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

REV.PET FAMILY COURT NO.148 OF 2024

BETWEEN:

SRI. RAMU ALIAS DRIVER RAMU,
AGED ABOUT 60 YEARS,
SON OF MUNIPILLAPPA,
RESIDING AT NO.21/264
1ST MAIN ROAD, 1ST CROSS,
S.G. PALYA,
BENGALURU- 560 029.

...PETITIONER

(BY SRI. PRUTHVIN PRALHAD.,ADVOCATE (VC))

AND:

SMT. SHYAMALA
WIFE OF M. RAMU @ DRIVER RAMU,
DAUGHTRE OF NARAYANASWAMY
AGED ABOUT 52 YEARS
RESIDING AT MARJENAHALLI VILLAGAE
VEMAGAL HOBLI,
KOLAR TALUK
KOLAR DISTRICT – 563 128.

...RESPONDENT

(BY SRI. GAGAN M.R., ADVOCATE FOR
SRI. P. CHIDANANDA.,ADVOCATE)

THIS RPFC IS FILED UNDER SEC.19(4) OF FAMILY COURT ACT., AGAINST THE ORDER DATED 1.06.2024 PASSED IN CRL. MISC NO.79/2021 ON THE FILE OF PRL. JUDGE, FAMILY COURT, KOLAR., PARTLY ALLOWING THE PETITION FILED UNDER SEC.125 OF Cr.P.C., FOR MAINTENANCE.

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VIJAYALAKSHMI
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COURT OF
KARNATAKA



THIS REVISION PETITION FAMILY COURT HAVING BEEN HEARD AND RESERVED ON 23.03.2026 COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

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

CAV ORDER

This RPFC is filed under Section 19(4) of the Family Courts Act, by the petitioner/husband against the Judgment dated 01.06.2024 passed by the Principal Judge, Family Court, Kolar in Crl.Misc.No.79/2021, partly allowing the petition and granting maintenance of Rs.15,000/- p.m., to the wife from the date of petition till the date of order and Rs.20,000/- p.m., from the date of order until further orders.

2. Petitioner before this Court is the husband-respondent before the Family Court and respondent before this Court is the wife-petitioner before the Family Court.

Brief facts of the case are as under:

3. That the marriage of petitioner was solemnized with respondent on 20.09.1993 as per Hindu rites and customs at Champakadama Swamy Temple, Bannerughatta, Anekal Taluk, Bengaluru. The respondent-wife claims that her marriage with the petitioner was solemnized after the death of wife of petitioner one Bhagyamma, who has one son by name R.Shivakumar. It is further contended by respondent that respondent has got one daughter by name R.Sudharani, now aged about 33 years.

4. It is claimed by respondent that her relationship with petitioner was initially cordial, but was strained on account of dowry demand and harassment by petitioner. Therefore, criminal case was registered against the petitioner for the offence under Section 498(A) and 506(B) of IPC read with Sections 3 and 4 of Dowry Prohibition Act. Thereafter, the matter was settled and respondent joined petitioner-husband. Again, the petitioner started harassing the respondent. Even after compromising for two times, he did not mend his ways

and the respondent was thrown out of matrimonial home and she is residing in her parental house. The respondent got herself examined as P.W.1 and another witness as P.W.2 and got marked Exs.P1 to Ex.P20. The petitioner got himself examined as RW.1 and got marked Ex.R1 to Ex.R24. The Family Court allowed the petition granting maintenance of Rs.15,000/- p.m., to the wife from the date of petition till the date of order and Rs.20,000/- p.m., from the date of order until further orders.

5. Learned counsel for the petitioner contended that the Family Court Judge gravely erred in arriving at a conclusion that the respondent is legally wedded wife of petitioner without appreciating the facts that subsequent to death of his wife, he married one Gangamma and they are living as husband and wife. It is further contended that the respondent is in the habit of initiating proceedings seeking maintenance as arm twisting tactic against the petitioner and on more than one occasion, she has entered into settlement and later continued with the proceedings.

6. Learned counsel for the petitioner further contended that the Family Court Judge has come to a wrong conclusion that he deserted the respondent and neglected to maintain her. Further, the Assets and Liabilities statement submitted by the petitioner is false and not reflecting the exact salary of the petitioner as a Driver in the absence of disproving the same by respondent and also erred in not appreciating Ex.R22, the service record of the petitioner disclosing the family members before the BBMP.

7. Further, it is contended that the petitioner is not having an income of Rs.60,000/- p.m, which is based on assumptions. Moreover, the petitioner is due to retire within three months time. It is further contended that the petitioner does not have any properties in his name. Therefore, petitioner prays to set aside the Judgment passed by the Family Court.

8. It is contended by learned counsel for respondent that out of wedlock between petitioner and respondent,

respondent has got one daughter by name R.Sudharani, now aged about 33 years. It is further contended by respondent that her marriage with the petitioner was solemnized after the death of wife of petitioner one Bhagyamma. It is contended that they led happy marital life for a period of five years. Thereafter, strained on account of dowry demand and harassment by petitioner. Therefore, criminal case was registered against the petitioner for the offence under Section 498(A) and 506(B) of IPC read with Sections 3 and 4 of Dowry Prohibition Act. Thereafter, the matter was settled and respondent joined petitioner-husband. Even after compromising for two times and giving an undertaking that he would look after the respondent-wife, he did not mend his ways.

9. It is further contended by the respondent that the petitioner has rental income of Rs.1,00,000/- from 15 houses and salary above Rs.45,000/- p.m. It is contended that after death of Smt.Bhagyamma, he married Smt.Gangamma on 23.05.1991 and during her

life-time again contracted marriage with the respondent. Therefore, the petitioner failed to fulfil moral obligation and did not show any affection towards his wife and daughter. They were accommodated in a portion of the house and petitioner started harassing her for dowry and criminal case was filed against him. Therefore, it is submitted by respondent that maintenance of Rs.15,000/- p.m., to the wife from the date of petition till the date of order and Rs.20,000/- p.m., from the date of order until further orders.

10. Heard the learned counsel for both the parties and perused the records.

11. It has been observed by this Court that the petitioner-wife has deposed that the respondent-husband owns house properties and having rental income. In support of the said petition averments, she has not produced documentary evidence. In the cross-examination of RW1, it is elicited that mother of husband Smt.Sampamma owned the property at Sadguntepalya, wherein both parties were residing along with respondent's

mother. Therefore, from the oral evidence of PW1 and RW1, it is evident that subsequent to the marriage, the petitioner and respondent along with their children resided with the mother of the respondent at Sadguntepalya, Bengaluru. It is pleaded by husband that both of them resided in a rented house, which is not substantiated by him. In the cross-examination of RW1, it is suggested that the old house, which was existing in the said property has been demolished and a new building has been put up consisting of 15 houses. The respondent has produced certified copy of sale deed dated 11.05.1973 at Ex.R.14 to show that his mother Sampamma purchased the said property. The respondent has also produced the encumbrance certificate at Ex.R.15 to show that the said property is standing in the name of his mother Sampamma and she executed a gift deed in favour of son of petitioner R.Shivakumar, minor represent by his father i.e., respondent. From the documentary evidence produced, it is evident that petitioner has not produced the recent khatha certificate and extract pertaining to the said

property. Therefore, these documents will not prove the exact structure existing in the said property. Though petitioner-husband was appointed on a temporary basis, admittedly, later on he was made as a permanent employee and he is drawing handsome salary. Since his mother Smt.Sampamma gifted the said property in favour of the respondent's son R.Shivakumar, who was still a minor, it is evident that the respondent has constructed the said building and therefore as his son was minor, he was receiving rental income. Therefore, from the documentary and oral evidence of RW1, it is evident that he owns a building consisting of 5 houses, which have been let out and having rental income. As the respondent is employed and earning, he it is not relevant whether he has rental income from the said building or not.

12. Even though petitioner-husband he has to take medicine for the high blood pressure and diabetic and also for other complications, but as he is a government employee, the said expenditure is reimbursed to him. Therefore, he cannot take the said objection to establish

that he has no sufficient means to provide maintenance to the petitioner. The respondent has not produced his salary certificate to establish that he is getting salary of RS.60,000/- p.m. and net salary of Rs.30,000/- p.m. as stated by him in the affidavit of disclosure of assets and liabilities. Therefore, an adverse inference has to be drawn against him as he is getting salary more than what is stated in his affidavit, he has not intentionally produced the latest salary certificate along with the affidavit. Accordingly, he has not produced the bank account statement to show the bank balance existing in his account. Therefore, the affidavit submitted by him is not in accordance with the guidelines of Hon'ble Supreme Court in the above referred cases. Therefore, even if the admitted salary of the respondent is taken as Rs.60,000/- p.m., he is having sufficient source of income to provide maintenance.

13. Respondent-wife has also proved that husband has deserted her and refused and neglected to maintain her. Further, she has proved that the respondent is having

sufficient source of income as he is employed as driver in BBMP and drawing gross salary of Rs.60,000/- p.m. Admittedly, the petitioner is having a daughter by name R.Sudharani, who is aged about 29 years and she has married and divorced, having a daughter to maintain. Therefore, the petitioner being the husband of respondent, who is employed and earning substantial income is duty bound to provide maintenance to the respondent.

14. As could be seen from the records, admitted salary of the petitioner-husband is Rs.60,000/-, whereas petitioner is claiming that he is having an income of Rs.30,000/- p.m., in the affidavit of disclosure of assets and liabilities. The petitioner has not intentionally produced latest salary certificate along with affidavit, which is not acceptable. Therefore, an adverse inference has to be drawn against him. Further, marriage of daughter of respondent-wife aged 29 years was married and her marriage was dissolved and is having a minor daughter to maintain. Therefore, she cannot maintain her mother.

15. Therefore, the maintenance of Rs.15,000/- p.m, to the respondent-wife from the date of petition till the date of petition till the date of order, i.e., 01.06.2024 and a sum of Rs.20,000/- p.m., from 01.06.2024 until lifetime of wife or until she remarries, would be reasonable. Further, litigation expenses of Rs.15,000/- is also correct.

16. On 05.08.2024, interim stay was granted subject to depositing an amount of Rs.10,000/- per month by 5th of every succeeding month and arrears of maintenance of Rs.10,000/- p.m., for a period of 32 months, which comes to Rs.3,20,000/- within six weeks. Further observed that failure to comply with the interim direction would result in vacating the interim order. The said order dated 05.08.2024 was not complied.

17. In the result, this Court proceeds to pass the following:-

ORDER

- (i) The writ petition is ***dismissed***.

No order as to costs.

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

BNV