



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

REV.PET FAMILY COURT NO. 159 OF 2025

BETWEEN:

K. V. NARASIMHA MURTHY,
S/O VENKATARAYAPPA,
AGE 42 YEARS,
RESIDENT OF KURUBARAHALLI,
BASHETTIHALLI HOBLI,
SIDLAGHATTA TALUK,
CHIKKABALLAPURA DISTRICT- 562 105.

...PETITIONER

(BY SRI. K. HANUMANTHARAYAPPA, ADVOCATE)

AND:

A. N. SUKANYA,
W/O NARASIMHAMURTHY,
AGED ABOUT 31 YEARS, RESIDENT OF ANEMADUGU
BASHETTY HOBLI,
SIDLAGHATTA TALUK,
CHIKKABALLAPURA DISTRICT - 562105.

...RESPONDENT

(BY SRI. MANJUNATH B.R., ADVOCATE)

THIS RPFC FILED UNDER SEC.19(4) OF FAMILY COURTS
ACT., AGAINST THE ORDER DATED 18.11.2023 PASSED IN
CRL. MISC NO.33/2023 ON THE FILE OF PRL. JUDGE, FAMILY

Digitally signed
by AASEEFA
PARVEEN
Location: HIGH
COURT OF
KARNATAKA



COURT, CHIKKABALLAPURA., PARTLY ALLOWING THE PETITION
FILED UNDER SEC.125 OF CR.P.C., FOR MAINTENANCE.

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

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL ORDER ON IA No.1/2025

This is a petition filed seeking the Court to condone
the delay of 481 days in filing revision petition.

2. Heard Sri.K.Hanumantharayappa learned
counsel for the petitioner as well as Sri.Manjunath.B.R
learned counsel for the respondent. Gone through the
contents of the affidavit given in support of the petition.

3. Learned counsel for the petitioner submits that
petitioner is the husband of respondent. Respondent filed
Crl.Misc.No.33/2023 invoking Section 125 Cr.P.C. and
seeking a direction to the petitioner to pay her as well as
the child a sum of Rs.20,000/- per month towards
maintenance. The case was entertained by the Court of
the Principal Judge, Family Court, Chikkaballapur. Court



issued notice to petitioner herein who is the respondent to the said case and the same was duly served. Petitioner was thinking to give instructions to his counsel to file vakalath and to conduct the case on his behalf. Very hastily, that too within four months from the date of service of notice, the case was disposed of by the Family Court. Thereafter, the respondent filed an execution petition and only upon receipt of notice in the execution petition, petitioner could know about passing of an adverse order against him. Family Court thus did not offer any opportunity for the petitioner to put forth his contentions. Petitioner therefore preferred a revision petition and thus, delay as sought for in filing revision petition is required to be condoned.

4. Per contra, learned counsel for the respondent states that it is the duty of the petitioner to make his appearance on receipt of court notice. But petitioner simply kept quiet. Family Court recorded the evidence produced by respondent/wife and disposed of the case.



Learned counsel also states that though respondent/wife sought for a sum of Rs.20,000/- per month towards maintenance from the petitioner/husband, Family Court granted a sum of Rs.4,000/- only for the maintenance of respondent/wife and the minor child. Petitioner is not paying that amount also. Respondent/wife filed an execution petition and the same is pending. As the grounds urged are invalid, the petition filed for condonation of delay is required to be dismissed.

5. In the light of the submission made by both the learned counsel, the point that emerges for consideration is:

(i) Whether there exists sufficient and justifiable grounds to condone the delay of 481 days in filing the revision petition?

6. It is not the case of the petitioner that notice was not served duly upon him in CrI.Misc.No.33/2023, by the Family Court, Chikkaballapur which was filed by his wife who is the respondent herein claiming maintenance



for herself and for the child. On receipt of notice, obligation vests upon the petitioner herein to appear before the Court in person or to represent through his counsel. But for the reasons best known petitioner kept quiet. Learned counsel for the petitioner made his submissions that Family Court hastily and without there being any urgency disposed of the matter. Record discloses that Family Court recorded the events of PW1 marked the documents produced as Exs.P1 to P4, heard the submissions made by the counsel who appeared for respondent/wife and finally delivered the order. Even if it is taken for the sake of argument that petitioner/husband due to sufficient cause or by way of inadvertence, failed to appear before the Court on the date given in the notice served upon him, he would have appeared before the Court soon thereafter and would have filed an application for setting aside the ex-parte order. But petitioner did not do so. An order was passed against him, thereafter an execution petition was filed and only when the executing



Court directed the petitioner to pay maintenance to his wife and the child, he filed revision petition challenging the impugned order and the present application seeking the Court to condone the delay of 481 days in filing the revision petition. These facts clearly reveal the lethargic attitude of the petitioner and his negligence in pursuing the case. Law is well settled that if the delay is minimal, the Court should adopt a liberal approach and where the delay is inordinate, there is every requirement to see whether such inordinate delay is supported by valid and convincing reasons so as to condone the same. In the case on hand, this Court does not find any such convincing reasons or grounds so as to condone the inordinate day of 481 days in filing this revision petition. Therefore, this Court is of the view that the application filed for condonation of delay is devoid of merits and thus, deserves dismissal.



Resultantly, the petition is dismissed. Consequently,
the revision petition is disposed of.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

DS
CT:TSM
List No.: 1 Sl No.: 19