

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. 144 OF 2021

BETWEEN:

MADHUSUDAN B
S/O BASAVARAJU
AGED ABOUT 38 YEARS
R/AT NO.667/2, 1ST MAIN
14TH CROSS, B.M SRI. NAGARA
METAGAGALLI
BANGALORE-570 016.

...PETITIONER

(BY SRI. RAGHAVENDRA N.,ADVOCATE)

AND:

SMT. RASHMI N
D/O NAGARAJU
AGED ABOUT 29 YEARS
RESIDING AT NO.78/2A
3RD MAIN ROAD, 7TH CROSS
RAJENDRANAGAR, KESARE,
MYSORE-570 007.

...RESPONDENT

(RESPONDENT SERVED AND UNREPRESENTED)

THIS RPFC IS FILED UNDER SECTION 19(1) OF FAMILY COURT ACT, AGAINST THE ORDER DATED 09.04.2021 PASSED IN C.MISC.NO.499/2020 ON THE FILE OF THE II ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT MYSURU, PARTLY ALLOWING THE PETITION FILED UNDER SECTION 125 OF Cr.P.C FOR MAINTENANCE.

THIS REVISION PETITION FAMILY COURT HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 24.03.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

Digitally signed by
VIJAYALAKSHMI
B N
Location: HIGH
COURT OF
KARNATAKA

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

CAV ORDER

This petition is filed by the petitioner being aggrieved by the order dated 09.04.2021 in C.Misc.No.499/2020 passed by the II Additional Principal Judge, Family Court, Mysuru (hereinafter referred to as 'Family Court') whereby, the Family Court has directed the petitioner to pay maintenance of Rs.10,000/- per month.

The brief facts of the case are as follows:

2. The petitioner – husband married the respondent – wife on 18.04.2012 at K.E.B. Employees Samudaya Bhavana, Rajendranagar, Mysuru. After the marriage, the petitioner and respondent lived together as husband and wife. Subsequently, the respondent alleged that the petitioner and his family members had subjected her to harassment and assault. On the basis of the said allegations, the respondent was constrained to lodge complaint before the police on 07.05.2013 and the police have registered NCR No.219/2013. Later, during the year

2015, husband under the pretext of Shivarathri festival left wife in her parental house and instead of taking her to matrimonial home, he got issued legal notice on 29.01.2016 and she gave reply for the same. The petitioner – husband filed M.C.No.136/2016 and obtained decree of divorce. The respondent – wife filed C.Misc.No.499/2020 under Section 125 of Cr.P.C. seeking Rs.20,000/- per month towards maintenance.

3. After hearing the learned counsel appearing for the respondent – wife, the Family Court, by order dated 09.04.2021 has passed an ex-parte order directing the petitioner to pay maintenance of Rs.10,000/- per month to the respondent – wife till her lifetime or till further orders.

4. Learned counsel for the petitioner – husband contends that the Family Court has erred in granting maintenance to the respondent – wife by an ex-parte order without evaluating the materials on record and hence, the order is perverse and illegal and is liable to be set aside. He further contends that even in case of ex-

parte proceedings, the Family Court has not taken into consideration the fact that divorce decree has been granted in favour of the petitioner against the respondent mainly on the ground of cruelty. He further denied the allegations and stated that the wife could not adjust to the family system, frequently stayed at her parental home and was not performing marital duties. He contends that presently, he is working in Alcoats as Junior Operator and drawing a sum of Rs.13,746/- per month and he is looking after his old aged parents, who are suffering from ailments and their medical expenses. The wife filed a maintenance petition under Section 125 of Cr.P.C., claiming maintenance for herself. The Family Court awarded maintenance of Rs.10,000/- per month to the wife. Aggrieved by the maintenance order, the petitioner has filed the present revision petition contending that the Family Court erred in appreciating the evidence. The petitioner submits that the maintenance awarded is excessive and liable to be set aside.

5. Heard the learned counsel appearing for the petitioner and perused the material on record. Notice served to respondent is held sufficient.

6. The respondent did not appear before the Family Court in spite of service of notice and ex parte order was passed. Therefore, the matter has to be remitted back subject to payment of cost of Rs.10,000/- payable by husband to the wife.

7. The matter is remitted back to the Family Court for fresh consideration with regard to affidavit of assets and liabilities are concerned along with other materials and pass appropriate orders in accordance with law

8. Accordingly, I proceed to pass the following:-

ORDER

- i. The Revision petition is ***allowed.***
- ii. The order dated 09.04.2021 passed by the II Additional Principal Judge, Family Court, Mysuru in C.Misc.No.499/2020, is set aside.

- iii. The matter is remanded back to the Family Court to consider the same afresh and to pass orders.
- iv. Cost of Rs.10,000/- shall be paid by husband to wife and file a memo along with proof before the Family Court.
- v. Parties shall not seek any adjournments and should co-operate with the Court in disposal of the matter time bound.
- vi. Both parties are directed to appear either in person or through their respective counsels before the Family Court within three months from the date of receipt of this order without further notice.
- vii. Family Court shall give opportunity to both the parties to lead their evidence and shall dispose of the matter as expeditiously as possible.

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

MH/-