



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

REV.PET FAMILY COURT NO.157 OF 2024

BETWEEN:

SRI. MADHUSUDHAN G. R.,
S/O RAMESH,
AGED ABOUT 49 YEARS,
OCC DRIVER, FOREST DEPARTMENT,
R/O NO.458, CHANDRODAYA NILAYA,
KONDAJJI ROAD, C BLOCK,
DEVARAJ URS LAYOUT,
DAVENGERE - 577 006.

...PETITIONER

(BY SRI. SMT. AISHWARYA HEGDE, ADVOCATE FOR
SRI. SAGAR V SHASTRI, ADVOCATE)

Digitally signed
by AASEEFA
PARVEEN

Location: HIGH
COURT OF
KARNATAKA

AND:

1. SMT. YASHODAMMA K. N.,
W/O MADHUSUDAN G.R.,
AGED ABOUT 45 YEARS,
2. KUMARI. THANYA G.M,
D/O MADHUSUDAN G.R.,
AGED ABOUT 14 YEARS,
REPRESENTED BY HER NATURAL GUARDIAN
MOTHER, PETITIONER NO.1.

R/AT E.S.I HOSPITAL ROAD,
NITTUVALLI, OPPOSITE KALIKA BAR,



BESIDE GLASS SHOP,
DAVANAGERE

...RESPONDENTS

(BY SRI. SRINIVASA, ADVOCATE)

THIS RPFC FILED UNDER SECTION 19(4) OF FAMILY COURT ACT, AGAINST THE ORDER DATED 05.02.2024 PASSED IN CRL.MISC.NO.237/2023 ON THE FILE OF THE JUDGE, FAMILY COURT, DAVANAGERE, PARTLY ALLOWING THE PETITION FILED UNDER SECTION 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 Ms.Aishwarya who represents Sri.Sagar.V.Shastri, learned counsel on record for the petitioner as well as Sri.Srinivasa, learned counsel for respondents.

2. Challenge in this revision petition is the order that is rendered by the Family Court, Davanagere in Crl.Misc.No.237/2023 dated 05.02.2024.



3. Learned counsel for the petitioner submits that petitioner is the husband of respondent No.1 and father of respondent No.2. Respondents filed a petition claiming maintenance. No notice was served upon the petitioner herein. Placing the petitioner ex-parte, Family Court passed order directing petitioner herein to pay respondent No.1/wife a sum of Rs.4,000/- per month and respondent No.2/child a sum of Rs.2,000/- per month towards their maintenance. Learned counsel states that as the impugned order was passed without giving notice to the petitioner, the said order is unsustainable in the eye of law.

4. Per contra, learned counsel for the respondents submit that notice was duly served upon the petitioner and as the petitioner failed to make his appearance, he was set ex-parte.

5. The postal acknowledgment which formed basis for the Family Court to place the petitioner herein ex-parte reveals presence of a small initial. Basing on that acknowledgment, Family Court placed petitioner herein



ex-parte. As per the version of the petitioner he did not receive any notice at any point of time. As the signature of the petitioner is not clearly found in the acknowledgment card, this Court is of the view that said document cannot form basis to hold that the service is proper. Therefore, this Court considers desirable to set aside the impugned order. Hence, the revision petition is disposed of with the following:

ORDER

- (i) Revision petition is *allowed*.
- (ii) The order that is rendered by the Family Court, Davanagere in Crl.Misc.No.237/2023 dated 05.02.2024 is set aside.
- (iii) However, petitioner shall pay respondent No.1/wife a sum of Rs.3,000/- per month and respondent No.2/child a sum of Rs.2,000/- per month towards interim maintenance. Such amount shall be paid from the date of filing of Crl.Misc.No.237/2023 until further orders by the Family Court.



- (iv) All arrears at the rate mentioned above shall be cleared within a period of 8 weeks.
- (v) Family Court, Davanagere is directed to restore Crl.Misc.No.237/2023 on file.
- (vi) Petitioner to file his statement of objections within the time fixed by the Family Court. Thereafter Family Court to receive evidence from both sides and to dispose of the matter on merits a fresh.
- (vii) Both parties are directed to make their appearance before the Family Court, Davanagere on 14.07.2026.
- (viii) Issuance of further notice to the parties does not arise.
- (ix) In the light of disposal of revision petition, proceedings in IA No.2/2024 are closed.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE