



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

REV.PET FAMILY COURT NO. 123 OF 2019

BETWEEN:

1. SMT. JAYALAKSHMI S
W/O YOGANANDA B
AGED ABOUT 37 EYARS
2. SHASHANK Y.J,
S/O YOGANANDA B
AGED ABOUT 13 YEARS
3. DHANUSHREE Y.J,
D/O YOGANANDA B
AGED ABOUT 8 YEARS

THE PETITIONERS 2 AND 3 ARE
MINORS REP. BY THEIR NATURAL
GUARDIAN-MOTHER
SMT. JAYALAKSHMI S/1ST PETITIONER

ALL ARE RESIDING AT DOOR NO.1518
CHIKKAMMADEVI, DEVASTANADA BEEDI
KYATHAMARANAHALLI,
MYSURU - 570 019.

...PETITIONERS

(BY SRI. PRASANNA V.R, ADVOCATE)

Digitally signed
by AASEEFA
PARVEEN
Location: HIGH
COURT OF
KARNATAKA



AND:

SRI. YOGANANDA B
S/O LATE SADEBORAIAH
AGED ABOUT 48 YEARS
OCC: SERVICE
R/A MOLEKOPALU
INDAVALU POST, KOTHATHI HOBLI
MANDYA DISTRICT - 571 402.

...RESPONDENT

(VIDE ORDER DATED 28.08.2025, RESPONDENT HELD SUFFICIENT)

THIS RPFC IS FILED U/S.19(4) OF THE FAMILY COURTS ACT,1984 AGAINST THE ORDER DATED 09.04.2019 PASSED IN C.MISC.381/2016 ON THE FILE OF THE II ADDL.PRL.JUDGE, FAMILY COURT, MYSURU PARTLY ALLOWING THE PETITION FILED U/S.125 OF Cr.P.C. FOR MAINTENANCE ONLY IN RESPECT OF PETITIONERS 2 AND 3 AND REJECTING THE CLAIM OF THE 1ST PETITIONER. THE PETITIONER HEREIN IS PREFERRING THE PETITION TO THE EXTENT OF DISMISSAL OF CLAIM OF THE IST PETITIONER AND RESTRICTING AWARD OF MAINTENANCE TO THE PETITIONER NO.2 AND 3, AND ENHANCE THE SAME BY ALLOWING THIS REVISION PETITION BE WITH COSTS AND LITIGATION EXPENSES THROUGHOUT AND IN THE ENDS OF JUSTICE.

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

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA



ORAL ORDER

Challenge in this revision petition is the order that is rendered by the Court of II Additional Principal Judge, Family Court, Mysuru in Criminal Miscellaneous Case No.381/2016 dated 09.04.2019.

2. First petitioner being the wife, second petitioner being the minor son and third petitioner being the minor daughter of the respondent herein filed a petition claiming compensation of Rs.10,000/- per month for their sustenance. Family Court through the impugned order directed respondent to pay petitioner Nos.2 and 3 a sum of Rs.2,500/- each per month. The claim of the first petitioner stood dismissed. With a version that dismissal of the petition against first petitioner is improper and that the amount granted towards maintenance in favour of petitioner Nos. 2 and 3 is inadequate, this revision petition is filed.

4. Though notice was served upon respondent, respondent has not chosen to contest the matter.



5. Heard Sri.Prasanna V.R learned counsel for the petitioners. Gone through the contents of the material brought on record including the translated copies of the deposition of witnesses.

The case of the petitioners is that after the marriage of the first petitioner with the respondent, they started residing together. However respondent was ill-treating the first petitioner. After the birth of third petitioner, respondent stopped all kind of assistance and thereby he neglected and refused to maintain them. First petitioner has no source of income of her own. Respondent works as Clerk at Karnataka Neeravari Nigama Niyamitha, Mandya and earns more than Rs.30,000/- per month. Through agricultural lands he derives Rs.20,000/- per month.

7. The version of the respondent on the other hand is that first petitioner went to her parents house for delivering the child and thereafter she did not return. All his efforts to bring her back failed. His only source of livelihood is the salary which he gets as an employee at Karnataka Neeravari Nigama Niyamitha, Mandya. First petitioner intends to lead lavish life.



But he being the eldest son in the family, has the responsibility to look after his ailing mother. First petitioner works in a private company and earns more than Rs.10,000/- per month. As first petitioner, deserted him voluntarily, she is not entitled for any maintenance.

8. Arguing the matter, learned counsel for the petitioners contended that no evidence whatsoever was produced by the respondent to establish that first petitioner has got her own sources of earnings. Only basing on Exhibit R1, which is a photo stat copy of ration card wherein there is a mention that first petitioner has got three children and for one of those children, respondent is not the biological father, Family Court held that first petitioner is not entitled for any maintenance. Learned counsel also states that the amount which was directed to be paid by the respondent to petitioner Nos. 2 and 3 is too meager and petitioners 2 and 3 are unable to maintain themselves with such meager amount and hence the sum granted is required to be enhanced.



9. The discussion on Exhibit R1 copy of ration card is found at para 15 of the impugned order. The same is reproduced:

"The respondent has produced Ex.R-1 to show that the 1st petitioner has got a separate ration card declaring that she has three children by name Madappa, Shashank and Dhanushree. There is absolutely no suggestion to deny the same. PW-1 also admits that Ex.R-1 is her ration card and as per the entries therein she had a son even before marrying the respondent. While clarifying the said entry, PW-1 claims that the father of said Madappa by name Chikkamadu is alive and he is residing in a nearby house. It thus appears that there is something more than what meets the eye. In view of the same and considering that the 1st petitioner has voluntarily deserted the respondent without sufficient reasons, I am of the opinion that she is not entitled for any maintenance".

10. It is not the version of the first petitioner that she has no knowledge about the entries in the ration card whose copy is marked as Exhibit R1. First petitioner who got examined herself



as PW1 during the course of cross-examination stated that the child mentioned in Exhibit R1 has no mother and she was looking after the said child and as the neighbour suggested to add that child's name in the ration card, she added. She also deposited that father of the said child is Chikkamadu and he is alive and he resides at nearby house. She further stated that she joined the name of that child in her ration card. If the admissions to that extent are taken into consideration, it has to be held that *prima facie* there appears something which first petitioner suppressed. But the version of the respondent is that only due to adamant attitude, first petitioner failed to join him. He never raised any allegation against the first petitioner suspecting her character. Also his version is that he several times attempted and requested the first petitioner to join him, but she refused. Therefore Exhibit R1 cannot form basis to reject the claim of the first petitioner.

11. Now coming to the version of the first petitioner about the alleged cruelty on part of the respondent, first petitioner herself admitted that respondent and his mother looked after her well during her stay at matrimonial home.



However, she also stated that they tortured her mentally. She has not given any details of the alleged torture.

12. Here is a case where there is no material to show that respondent neglected to maintain first petitioner. A meticulous perusal of entire record including pleadings of parties and the evidence produced reveals that first petitioner voluntarily withdrew from the society of the respondent, that too without reasonable cause. Thus, when the aspect of negligence is not established by the petitioners insofar as looking after the first petitioner and where the consistent version of the respondent is that he is ready to take the first petitioner to marital fold and look after her and where the first petitioner refuses to do so without reasonable cause, this Court is of view that she is not entitled for any maintenance.

13. Now coming to the amount awarded as maintenance in favour of appellant Nos.2 and 3, a sum of Rs.2,500/- each was ordered to be paid. The contents of Exhibit R2 goes to show that for the month of April 2018 respondent received a sum of Rs.13,899/- from his employer.



14. As per the version of the respondent he has to maintain his ailing mother. Taking into consideration the earnings of the respondent and his obligation to look after his mother, this Court is of the view that respondent cannot be burdened to pay more than that which was ordered to pay through the impugned order i.e. Rs.2,500/- each to petitioners 2 and 3.

15. Thus, the ultimate conclusion of this Court is that there are no grounds to interfere with the findings given by the Family Court. Thus the revision petition is disposed of with the following:-

ORDER

The revision petition is dismissed.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

VS
List No.: 1 SI No.: 6