

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.165 OF 2024

BETWEEN:

SRI. S. MAHESH KUMAR
S/O KRISHNA MURTHY
AGED ABOUT 45 YEARS
R/AT HOUSING BORAD,
SHANTHINAGAR
BANGARPET -563 114.

...PETITIONER

(BY SRI. BADARINARAYANA M.S.,ADVOCATE)

AND:

SMT. S. MANJULA
W/O S. MAHESHKUAMR
AGED ABOUT 41 YEARS
WORKING WOMAN,
R/AT 12TH CROSS
FIRST MAIN ROAD
GANDHINAGAR
KOLAR 563 101.

...RESPONDENT

(BY SRI. VAMSHI CHANDRASHEKARA.,ADVOCATE (VC))

THIS RPFC IS FILED UNDER SEC.19(4) OF THE FAMILY COURT ACT., AGAINST THE ORDER DATED 27.10.2023 PASSED IN CRL. MISC (F.C.) NO.143/2019 ON THE FILE OF THE PRINCIPAL JUDGE, FAMILY COURT, KOLAR, PARTLY ALLOWING THE PETITION FILED UNDER SEC.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:

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

CAV ORDER

This Revision Petition is filed under Section 19(4) of the Family Courts Act, 1984, seeking to set aside the judgment and order dated 27-10-2023 passed by the Principal Judge, Family Court, Kolar, in Crl.Misc.No.143/2019. By the impugned order, the Family Court partly allowed the petition filed by the respondent-wife under Section 125 of the Cr.P.C., directing the petitioner to pay a monthly maintenance of Rs.6,000/- and a one-time litigation expense of Rs.5,000/-.

2. The Petitioner is the husband herein, who was the Respondent in the Family court. The Respondents herein is the wife, who was petitioner before the Family Court.

3. For convenience of reference, the parties herein are referred to as per their ranking before this court.

4. The factual matrix of the case is that the marriage between the petitioner and the respondent was solemnized

on 01-07-2018 at Sriksheethra Dharmasthala according to Hindu rites and customs. This was the first marriage for the respondent and the second for the petitioner, who was a divorcee with two minor daughters from his previous marriage with one Monika.

5. The respondent-wife initiated the maintenance proceedings alleging that the petitioner had suppressed the details of his first marriage and children at the time of the alliance. She further alleged that shortly after the marriage, the petitioner and his family members began harassing her for additional dowry, specifically demanding a gold bracelet and Rs.2,00,000/- in cash. She contended that she was subjected to cruelty, including physical abuse by the petitioner, who was allegedly addicted to alcohol, and was eventually driven out of the matrimonial home in early 2019.

6. The petitioner-husband, in his statement of objections, admitted the relationship but categorically denied all allegations of cruelty and dowry demands. He raised a counter-allegation that the respondent suffered from serious psychological issues, including schizophrenia and sleep

apnea, which prevented her from performing household chores. He further leveled a grave accusation that the respondent showed obscene/pornographic images to his minor daughters from the first marriage, which led to significant domestic discord. Regarding his financial status, he claimed to be a contract laborer at HAL whose services were terminated, leaving him with a meager income, which was insufficient to maintain his daughters and aged parents.

7. During the trial, the respondent examined herself as PW-1 and produced three documents, including the wedding invitation card and photographs. The petitioner examined himself as RW-1 and one witness as RW-2, producing eleven documents marked as Ex.R1 to Ex.R10 (a), including police endorsements and a medical certificate.

8. The learned counsel for the petitioner has preferred this revision primarily on the grounds that the Family Court failed to appreciate the documentary evidence regarding the respondent's conduct and health. It is urged that the respondent is a trained typist and computer-literate woman capable of maintaining herself, and that her refusal

to reside with the petitioner without sufficient cause disqualifies her from claiming maintenance under Section 125(4) of the Cr.P.C.

9. Having heard the arguments and perused the records, this Court finds that the Family Court's decision is well-grounded in the facts and applicable law. The trial court correctly observed that while the petitioner alleged a prior disclosure of his first marriage, he produced no specific proof to that effect, whereas the respondent successfully demonstrated that the relationship was strained due to the discovery of this suppression.

10. Regarding the petitioner's allegations of the respondent's ill-health and misconduct, the trial court noted that the medical certificate produced as Ex.R8 lacked supporting clinical data or lab reports. Furthermore, the petitioner failed to substantiate the serious allegation regarding the minor children with any corroborative evidence. On the contrary, the record indicates that the respondent had lodged multiple police complaints regarding harassment, which were not properly registered due to the

influence of the petitioner's relatives in the local police department.

11. A crucial factor in this case is the petitioner's failure to adhere to the mandatory procedural requirements. As noted by the Family court, the respondent filed her affidavit of assets and liabilities as per the guidelines laid down by the Hon'ble Supreme Court in *Rajnish v. Neha*, (2021) 2 SCC 324. However, the petitioner failed to file his affidavit, prompting the Family court to rightly draw an adverse inference against him regarding his income and assets.

12. The petitioner's contention that he is a mere contract laborer earning Rs.20,000/- was not supported by any salary slips or termination notices from HAL. In the absence of such evidence, the Family Court was justified in determining that the petitioner, as an able-bodied man who previously held a supervisory position, had the means to maintain his wife. The maintenance amount of Rs.6,000/- per month is a modest sum intended to cover basic needs and cannot be termed excessive.

13. Under Section 19(4) of the Family Courts Act, the power of revision is restricted to checking the legality, propriety, and correctness of the lower court's order. This Court does not find any perversity in the findings of the Family Court, Kolar. The respondent-wife has established that she has no independent source of income and has been neglected by the petitioner without a valid reason.

ORDER

- (i) The RPFC No. 165 of 2024 is ***Dismissed.***
- (ii) The order dated 27-10-2023 passed by the Principal Judge, Family Court, Kolar, in Crl.Misc.No.143/2019 is hereby ***upheld.***
- (iii) The petitioner is directed to clear all arrears of maintenance within three months and shall continue to pay the monthly maintenance regularly.

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

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