



CNR: KAHC010454502022

NC: 2026:KHC:51291
RPFC No. 234 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

REV.PET FAMILY COURT NO. 234 OF 2022

BETWEEN:

SYED AKBAR
S/O SYED IBRAHIM SAB
AGED 53 YEARS,
R/O NO.M.B.9323
ELECTRONIC MERCHANT,
KBP ROAD,
MULABAGILU TOWN,
MULABAGILU TALUK,
KOLAR DIST-563131.

...PETITIONER

(BY SRI. GANESH GG, ADVOCATE)

AND:

1. SHABANA BEGUM
W/O SYED AKBAR
AGED 52 YEARS,
2. THABASUM
D/O SYED AKBAR
AGED 17 YEARS,

BOTH ARE R/O K.G.MOHALLA,
KOLAR TOWN
KOLAR TALUK AND DISTRICT-563 101.

...RESPONDENTS

Digitally signed
by AASEEFA
PARVEEN

Location: HIGH
COURT OF
KARNATAKA



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(BY SRI. VENKATA REDDY C. M., ADVOCATE)

THIS RPFC FILED UNDER SECTION 19(4) OF THE FAMILY COURTS ACT AGAINST THE ORDER DATED 16.11.2021 PASSED IN CRL.MISC.No.138/2019 ON THE FILE OF THE PRINCIPAL JUDGE, FAMILY COURT KOLAR, PARTLY ALLOWING THE PETITION FILED UNDER SECTION 127 OF Cr.P.C. FOR ENHANCEMENT OF MAINTENANCE.

THIS PETITION, COMING ON FOR, PART-HEARD IN ADMISSION THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL ORDER

Heard Sri.Ganesh G.G., learned counsel for the petitioner as well as Sri.Venkata Reddy C.M., learned counsel for respondents.

2. Being aggrieved by the order passed by the Principal Family Court, Kolar, in Criminal Miscellaneous (FC) No.138/2019 dated 16.11.2021, this revision petition is filed.



3. By the submission that is made by both the learned counsel and as per the material available on record, it is clear that respondent No.1/wife and respondent No.2/daughter initially filed Criminal Miscellaneous Case No.72/2004 claiming maintenance from the revision petitioner. Through the orders rendered in the said criminal miscellaneous case, liability was imposed upon petitioner to pay respondent No.1/wife a sum of Rs.750/- per month and respondent No.2/daughter a sum of Rs.400/- per month towards their maintenance. Subsequently, respondents filed Criminal Miscellaneous (FC) No.138/2019 seeking enhancement.

4. Family Court rendered orders enhancing the sum and a direction was issued to revision petitioner to pay respondent No.1/wife a sum of Rs.10,000/- per month and respondent No.2/daughter a sum of Rs.5,000/- per month towards their maintenance. Aggrieved by the same this revision petition is filed.



5. Learned counsel for the petitioner states that the order rendered by the Family Court is unsustainable, as the Family Court without verifying the assets and liabilities of the parties rendered the impugned order. Learned counsel submits that neither the petitioner nor respondents filed their affidavits disclosing their assets and liabilities. Learned counsel also states that the impugned order is unsustainable also on the ground that the second respondent attained the age of majority as on the date of filing of the application seeking enhancement of maintenance. Learned counsel submits that suppressing the age of respondent No.2 and projecting that she is aged around 15 years and she being represented by respondent No.1 filed the petition for enhancement. Learned counsel contends that respondent No.2 completed her education and she is working as teacher. As the impugned order is rendered ignoring all these facts, the impugned order is required to be set aside.



6. Learned counsel for respondents on the other hand states that though respondent No.2 attained the age of majority, she is still studying and therefore, petitioner is required to support her financially.

7. Admittedly, the impugned order was rendered without verifying the financial status of parties. That apart, a specific plea is taken that respondent No.2 was major by the date of filing of application seeking enhancement of maintenance. Whether a daughter who attained the age of majority is liable to be maintained by her father, is a fact to be decided by the trial Court basing on the evidence produced. However, as it is projected that the Court has not called for the affidavits of the parties disclosing their assets and liabilities and that the second respondent attained the age of majority by the date of filing of the petition seeking enhancement of maintenance itself and as it is contended that suppressing her age, showing her to be minor being represented by her mother, the petition is



filed seeking enhancement, this Court is of the view that, the impugned order is required to be set aside and the matter is liable to be remanded to the Family Court to consider the case afresh and to pass appropriate orders. Also this Court is of the view that the interest of the respondents is required to be protected.

8. Therefore, the revision petition is disposed of with the following:

ORDER

i) The order that is rendered by the Principal Family Court, Kolar, in Criminal Miscellaneous (FC) No.138/2019 dated 16.11.2021 is set aside.

ii) The matter is remanded back to the Principal Family Court, Kolar, to consider the same afresh, direct both parties to file their affidavits disclosing their assets and liabilities as per the decision of the Hon'ble Apex Court in the case of *Rajnesh Vs. Neha*, (2021) 2 SCC 324, give



opportunity to both parties to adduce further evidence and thereafter to pass orders on merits.

iii) Revision petitioner is directed to pay respondent No.1/wife a sum of Rs.7,000/- per month and respondent No.2/daughter a sum of Rs.3,000/- per month till the disposal of Criminal Miscellaneous (FC) No.138/2019.

iv) Liberty is granted to the Principal Family Court to modify the amount in case there are change of circumstances warranting modification during the pendency of the case in Criminal Miscellaneous (FC) No.138/2019.

v) Principal Judge, Family Court, Kolar, is directed to dispose of the case as expeditiously as possible preferably within a period of four months from the date of receipt of copy of this order.



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vi) Registry to forward copy of this order to the
concerned Court forthwith.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

AP
CT:TSM
List No.: 1 Sl No.: 3