



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

REV.PET FAMILY COURT NO. 222 OF 2023

BETWEEN:

SRI. G. D. SURESH
S/O LATE DODAPUTTACHAR
AGED ABOUT 53 YEARS
R/AT NO. 9/3, 4THC ROSS
7TH AMIN, HONGASANDRA
BEGUR ROAD, BENGALURU - 560 068.

...PETITIONER

(BY SMT. SARITHA A.L, ADVOCATE FOR
SRI. S. SHANKARACHAR, ADVOCATE)

AND:

SMT. S. INDRANI
W/O G.D. SURESH
AGED ABOUT 46 YEARS
R/AT NO. 10, 9TH MAIN
5TH CROSS, HONGASANDRA
BENGALURU - 560 068.

...RESPONDENT

(RESPONDENT SERVED AND UNREPRESENTED)

THIS RPFC IS FILED UNDER SEC.19(4) OF THE FAMILY
COURTS ACT., AGAINST THE JUDGMENT AND DECREE DATED
21.11.2017 PASSED IN CRL.MISC NO.671/2011 ON THE FILE
OF IST ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT,

Digitally signed by
AASEEFA
PARVEEN
Location: HIGH
COURT OF
KARNATAKA



BENGALURU., PARTLY ALLOWING THE PETITION FILED UNDER SEC.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 Smt.Sarita.A.L who represents Sri.S.Shankarachar learned counsel on record for the petitioner. Though notice was served upon respondent, respondent failed to contest the matter.

2. This revision petition is the outcome of the order that is rendered by the Court of I Additional Principal Judge, Family Court, Bengaluru in Criminal Miscellaneous Case No.671/2011 dated 21.11.2017.

3. Respondent who is the wife of the petitioner filed a petition under Section 125 of Cr.P.C. seeking the Court to direct petitioner herein to pay her a sum of Rs.25,000/- per month towards maintenance. Family Court through the impugned order directed petitioner/husband to pay



respondent/wife a sum of Rs.4,000/- per month towards maintenance. Aggrieved by the same this revision petition is filed by the husband.

4. Learned counsel for the petitioner submits that petitioner has got no source of earnings whatsoever. It is the respondent who has withdrawn from the society of the petitioner without reasonable cause. That apart respondent initiated proceedings under Domestic Violence Act and in the said case i.e. in Criminal Miscellaneous Case No.67/2010, the Court of MMTC, Bangalore, passed orders on 23.07.2013, directing petitioner/husband to pay respondent/wife a sum of Rs.5,000/- per month towards maintenance. Petitioner is paying the same. Without considering the directions issued ordering petitioner to pay respondent a sum of Rs.5,000/- per month, Family Court again through the impugned order directed petitioner to pay respondent a sum of Rs.4,000/- per month which is unjustifiable. Learned counsel thereby seeks to set aside the impugned order.

5. Though the petitioner/husband made a mention about Criminal Miscellaneous Case No.67/2010, which stood pending



before the Court of II MMTC, Bengaluru, he did not choose to bring to the notice of the Family Court about the disposal of the said case and a direction issued to pay Rs.5,000/- per month towards maintenance. Therefore, it cannot be held that Family Court, Bangalore erred in directing petitioner to pay respondent a sum of Rs.4,000/- per month towards maintenance. At the same time it is clear that the petitioner will be burdened to oblige the orders passed by which he was directed to pay a sum of Rs.9,000/- per month (5,000 + 4000). Therefore this Court is of the view that to give fair opportunity to petitioner to project his grounds, the matter is required to be remanded to the Family Court. However as the respondent should again appear before the Family Court and contest the matter, this Court is of the view that all the necessary legal expenses for the respondent to contest the matter should be borne by the petitioner herein.

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



ORDER

- i. The order that is rendered by the Court of I Additional Principal Judge, Family Court, Bangalore in Criminal Miscellaneous Case No.671/2011 dated 21.11.2017 is set aside.
- ii. The matter is remanded to the Family Court to consider the order that is rendered by the Court of II MMTC, Bengaluru in Criminal Miscellaneous case No.67/2010 dated 23.07.2013 and to pass an order fixing monthly maintenance to be paid by the petitioner to the respondent.
- iii. Except production of certified copy of the order in Criminal Miscellaneous Case No.67/2010, parties shall not produce any other evidence.
- iv. On production of that order and upon hearing both sides, Family Court to render order afresh.
- v. Till the disposal of case, petitioner shall pay respondent a sum of Rs.2,000/- per month in addition to the sum the petitioner is paying as per



the orders of the Court of II MMTC, Bengaluru in Criminal Misc Case No.67/2010.

- vi. On appearance of respondent/wife petitioner shall also pay respondent/wife a sum of Rs.10,000/- towards litigation expenses.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

VS
List No.: 1 Sl No.: 39