

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. 271 OF 2022

BETWEEN:

MR. PRAKASH BABU. P
AGED ABOUT 40 YEARS,
S/O. LATE A. UNNIKRISHNAN NAIR,
RESIDING AT NO.1-BC-311,
EAST OF NGEF,
KASTURI NAGAR,
BENGALURU-560 016.

WORKING AT AIRCEL LTD.,
(NOW CLOSED)
NO.66/5-25,
H.M. VIBA TOWERS,
LUKSAR AVAR ROAD,
ADUGODI,
BENGALURU-560 038.

...PETITIONER

(BY SRI. VICTOR MANOHARAN S.,ADVOCATE)

AND:

MS. LAKSHMI. B,
AGED ABOUT 36 YEARS,
W/O. PRAKASH BABU. P,
RESIDING AT NO.14,
(OLD NO.642),
KAVI PONNA ROAD,
9TH "A" MAIN,
SRINAGARA,
BENGALURU-560 001.

...RESPONDENT

(BY SMT. RADHA Y.,ADVOCATE)

Digitally signed
by
VIJAYALAKSHMI
B N
Location: HIGH
COURT OF
KARNATAKA



THIS RPFC IS FILED UNDER SECTION 19(4) OF FAMILY COURT ACT AGAINST THE ORDER DATED 07.10.2022 PASSED IN C.MISC.NO.719/2014 ON THE FILE OF THE I ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, BENGALURU, PARTLY ALLOWING THE PETITION FILED UNDER SECTION 125 OF Cr.P.C FOR MAINTENANCE.

THIS REVISION PETITION FAMILY COURT HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 18.03.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

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

CAV ORDER

The present petition is filed under Section 19(4) of the Family Courts Act, 1984, seeking to set aside the order dated 07.10.2022 passed in C.Misc.No.719/2014 on the file of the I Additional Principal Judge, Family Court at Bengaluru ('the Family Court' for short).

2. The petitioner herein-husband is the respondent before the Family Court and the respondent herein-wife is the petitioner before the Family Court.

3. For convenience of reference, the parties herein are referred as arrayed before the Family Court.

4. The brief facts of the case are that:-

The petitioner/wife initiated proceedings under Section 125 of the Cr.P.C. seeking maintenance of Rs.25,000 per month, asserting that her marriage with the petitioner was solemnized on 13.12.2007 at Muruga Temple, Palani, Tamil Nadu, as per Hindu rites and customs. The petitioner contended that after their marriage, the parties resided together in a rented house at Swetha Lakshmi Nilaya, Bengaluru, until 16.08.2013. She further alleged that on the night of 16.08.2013, the respondent quarreled with her and burnt all matrimonial evidence, including marriage photographs, before deserting her the following morning. The wife claimed she is an uneducated housewife suffering from frequent ill-health, rendering her unable to maintain herself, while the husband is employed as a Senior Executive (Administration) at Aircel Ltd., earning a substantial salary.

5. *Per contra*, the respondent/husband filed his written objections before the Family Court, categorically denying the existence of a marriage or any domestic

relationship with the petitioner. He asserted that he was blackmailed and threatened by the petitioner, leading to a forced payment of Rs.4,00,000 through Vanitha Sahayavani (Family Counseling Centre). To resolve her harassment, Rs.2,00,000 of which was paid before the members and the remaining Rs.2,00,000 transferred via bank account. The respondent/husband further contended that he was forced to resign from his job on 15.12.2014 due to the nuisance created by the petitioner at his workplace and that his former employer, Aircel Ltd., subsequently closed operations in 2015.

6. The Family Court, after considering pleadings, oral and documentary evidence, partly allowed the petition filed under Section 125 of the Cr.P.C., directing the petitioner herein to pay monthly maintenance of Rs.20,000 to the respondent from the date of the petition, along with litigation costs of Rs.10,000.

7. The learned counsel appearing for the petitioner/husband would contend that the respondent, in

her evidence-in-chief, has asserted that the marriage with the petitioner was solemnized on 13.12.2007 at Murugan Temple, Palani, Tamil Nadu, as a love marriage; however, in her complaint (Ex.P7) dated 13.03.2012 addressed to Vanitha Sahaya Vani, she has stated that the marriage was performed on 13.12.2009 at Dharmasthala with the consent of her parents. These material inconsistencies, which go to the root of the alleged marital relationship, have not been properly appreciated by the learned Trial Court, which has nevertheless recorded a finding as to the existence of a valid marriage without due consideration of the documentary evidence and the testimony of RW-1. Further, the respondent has admitted in her cross-examination that one Narayanamma had lodged a complaint dated 14.12.2011 (Ex.R3) alleging that the respondent was in an illicit relationship with her husband and was residing separately with him, neglecting his lawful family; this material evidence has not been adverted to by the Trial Court, thereby vitiating its findings.

8. It is further contended that the learned Family Court has failed to properly consider the medical records of Manipal Ankur, Andrology & Reproductive Services dated 19.01.2016, which, while referring to "secondary infertility", contain recitals that appear inconsistent with the respondent's version that the petitioner left the matrimonial home on 17.08.2013, and also record circumstances such as a second marriage and existence of children. These aspects, which bear upon the credibility of the respondent's case, have not been examined in their proper perspective.

9. It is contended insofar as the claim for maintenance is concerned, that though the petition was filed on 30.12.2014 on the premise that the petitioner deserted the respondent on 17.08.2013, no cogent material has been placed to establish that the petitioner was employed in Aircel Company or was earning any definite income therefrom; on the other hand, the petitioner has deposed that he had resigned due to harassment and that the company had closed. In the

absence of acceptable evidence as to income, the fixation of maintenance at Rs.20,000/- per month is not supported by the material on record.

10. It is also contended that determination of maintenance under Section 125 of the Cr.P.C. must be based on established sources of income and relevant circumstances; however, in the present case, the Family Court has proceeded in the absence of foundational pleadings and proof, and has also not adverted to the contention regarding disqualification on account of alleged adulterous conduct. The petitioner has, in his cross-examination, stated that his gross salary was Rs.22,000/- with a net salary of Rs.15,000/- and that he had paid a sum of Rs.4,00,000/- at Vanitha Sahayavani, which aspects have not been duly considered. Consequently, the findings recorded by the Family Court with regard to the marital relationship and the petitioner's financial capacity suffer from non-consideration of material evidence and are unsustainable in law.

11. The learned counsel for the respondent/wife filed statement of objections denying the petitioner's claim that no marriage took place. She submitted that their marriage was solemnized on 13.12.2007 at Muruga Temple in Palani, Tamil Nadu, according to Hindu customs and rituals. To substantiate this relationship, she produced and marked several documents in the Family Court, including her Ration card, Driving License, Aadhar card, and a company visiting card, all of which identify the petitioner as her husband.

12. The respondent vehemently refuted allegations regarding her character and alleged illegal relationships. She asserted that the petitioner failed to provide any evidentiary value to prove she was living in adultery. It is her contention that the petitioner's claims were a mala fide attempt at character assassination designed specifically to escape his legal and moral responsibilities as a husband.

13. It is further contended that how the petitioner even obtained copies of certain third-party complaints,

suggesting he was overstepping into her personal life to avoid his duties. Concerning financial capacity, the respondent maintained that the petitioner is employed as a Senior Executive Administration at Aircel Limited and earns a sufficient salary to provide maintenance. She challenged his claim of having quit the job on 15.12.2014, noting that he failed to produce a formal resignation letter accepted by the company. She argued that as a reputed company, such transitions would be documented in writing. Meanwhile, she described herself as an uneducated housewife suffering from chronic ill-health that prevents her from working and maintaining herself.

14. It is contended by the respondent that the incident dated 29.11.2012 at the Vanitha Sahayavani Counselling Centre has been misconstrued by the petitioner, inasmuch as the respondent, owing to her limited education, she was made to sign certain documents without understanding their contents, including a recital suggesting that a settlement amount of Rs.4,00,000/- had been agreed upon between the parties,

which she specifically denies as having been knowingly or voluntarily accepted. Despite this alleged settlement, she asserted that the couple continued to live together happily until 16.08.2013, when the petitioner reportedly burnt their marriage photos and deserted her the following morning. She emphasized that she has always been ready to resume their marital life and has issued legal notices to that effect.

15. Heard learned counsel appearing on either side.

16. This Court have carefully considered the contentions advanced by the learned counsel for the parties, perused the impugned order and the materials placed on record.

17. The petitioner's primary grievance is that the respondent failed to provide strict proof of marriage and provided contradictory statements regarding the venue citing both Palani and Dharmasthala.

18. Adverting to the contention regarding the validity of the marriage, the petitioner argues that the

respondent's testimony is riddled with contradictions, specifically citing the discrepancy between the marriage occurring at Muruga Temple, Palani, and her statement in the complaint to Vanitha Sahayavani (Ex.R1) mentioning Dharmasthala. However, the learned Family Court rightly observed that in summary proceedings under Section 125 of the Cr.P.C., the Court is not required to determine the status of the parties with the same degree of certainty as a Civil Court.

19. The Family Court in paragraph 14 of the impugned order noted that the respondent was unable to produce photographs or wedding cards because, according to her, the petitioner destroyed these documents within the privacy of the matrimonial home on 16.08.2013. Given the hostile circumstances, the respondent's inability to examine independent witnesses who were reportedly friends of the petitioner was rightly excused. As no adverse inference can be drawn against a wife for failing to produce her husband's associates as witnesses.

20. It is further observed that as highlighted in paragraph 15 of the impugned order, the petitioner's own conduct provides a compelling circumstantial link. The petitioner admitted to pay a substantial sum of Rs.4,00,000/- to the respondent. This Court finds it highly improbable that a person would pay such a significant amount to a complete stranger merely to get rid of harassment without involving law enforcement. Therefore, the Family Court has rightly inferred that such a payment suggests the existence of a prior matrimonial relationship.

21. With respect to the allegation of Secondary Infertility mentioned in the medical reports (Ex.P7) and the claim of the respondent living in adultery with one Narayanamma's husband (Ex.R3), these contentions lack sufficient evidentiary backing. The Family Court noted that the petitioner failed to prove that the respondent was living in adultery at the time of the proceedings. Mere allegations or past police complaints (Ex.R3) without a definitive finding by a Competent Court cannot deprive a wife of her right to maintenance.

22. On the issue of the petitioner's financial capacity, while he claims to have resigned from Aircel Ltd. on 15.12.2014 due to the respondent's alleged nuisance, he has failed to produce an accepted resignation letter or any formal documentation to prove his current lack of income. As an able-bodied man who previously held the position of Senior Executive Administration, the burden was squarely on him to demonstrate an absolute inability to earn. In the absence of such proof, the Family Court's award of Rs.20,000 towards maintenance per month is neither arbitrary nor exorbitant, especially considering the current economic situation and the respondent's documented ill-health (Ex.P7).

23. In view of the foregoing discussions, this Court finds no illegality, perversity, or jurisdictional error in the order passed by the Family Court. The learned Family Court has meticulously analyzed both oral and documentary evidence to arrive at a balanced conclusion.

24. Consequently, the petitioner has failed to make out any grounds for interference under the revisional jurisdiction of this Court.

25. In view of the above, this Court proceeds to pass the following:-

ORDER

*(i) The Revision Petition filed under Section 19(4) of the Family Courts Act is hereby **dismissed**.*

(ii) The judgment and order dated 07.10.2022 passed by the I Addl. Principal Judge, Family Court, Bengaluru, in C.Misc.No.719/2014, directing the petitioner to pay monthly maintenance of Rs.20,000 and litigation costs of Rs.10,000, is hereby upheld in its entirety.

(iii) The petitioner is directed to clear all arrears of maintenance within three months from today.

*(iv) Registry to send back the Trial Court
records along with a copy of this order.*

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

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