

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.193 OF 2024

BETWEEN:

SRI. HANUMANTHEGOWDA
S/O. LATE THAMMANNAIAH,
AGED 51 YEARS,
R/AT CHIKKAPURA VILLAGE,
HEBBUR HOBLI,
TUMAKURU TALUK AND DISTRICT.

...PETITIONER

(BY SRI. M.B. CHANDRACHOODA.,ADVOCATE)

AND:

SMT. LAKSHMIDEVAMMA
W/O. HANUMANTHEGOWDA,
AGED 43 YEARS,
R/AT CHIKKAPURA VILLAGE,
HEBBUR HOBLI,
TUMAKURU TALUK AND DISTRICT.

...RESPONDENT

(BY SRI. VINAYAKEERTHI M.,ADVOCATE)

THIS RPFC IS FILED UNDER SEC.19(4) OF THE FAMILY COURT ACT., AGAINST THE ORDER DATED 15.07.2024 PASSED IN CRL. MISC NO.201/2021 ON THE FILE OF THE PRINCIPAL JUDGE, FAMILY COURT, TUMAKURU, 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 23.03.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

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



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

CAV ORDER

This RPFC is filed under Section 19(4) of the Family Courts Act, by the petitioner/husband against the Judgment dated 15.07.2024 passed by the Principal Judge, Family Court, Tumakuru in Crl.Misc.No.201/2021, allowing the petition and granting maintenance of Rs.20,000/- p.m., to the wife till her lifetime or till she gets remarried.

2. Petitioner before this Court is the husband-respondent before the Family Court and respondent before this Court is the wife-petitioner before the Family Court.

Brief facts of the case are as under:

3. The marriage between the petitioner and the respondent was solemnized on 13.12.1999. Out of the wedlock, a son by name Ravi was born and he is now aged 25 years. That after the birth of the son, the

respondent developed serious illness, suffering from Rheumatoid Arthritis, she was not able to walk on her own and not able to do any household work. That with the consent of the respondent, the petitioner married Smt. Radhamma and all of them were living together.

4. It is stated that after some time, the respondent left the matrimonial home and residing in her parental house from 2016 onwards. Respondent is taking care of petitioner-wife, but in spite of that at the instigation of brother of petitioner, respondent has filed Crl. Misc. No. 201/2021 invoking provisions of Section 125 of Cr.P.C., seeking maintenance of Rs. 20,000/- p.m.

5. The records reveal that as per orders on I.A. No. II dated 04.12.2021 ordered the respondent to pay interim maintenance of Rs. 15,000/- p.m., and litigation expenses of Rs. 2,000/- during pendente lite of the proceedings.

6. The respondent filed statement of objections denying the averments of petition. In support of his case, respondent-wife was examined as PW.1 and son of the

respondent-wife was examined as PW.2 and produced documents Ex.R1 to Ex.R3. Petitioner-husband was examined as RW.1 and produced documents, Ex.R1 to Ex.R3. The petition was allowed by the Family Court and maintenance of Rs.20,000/- p.m., was awarded to the wife till her lifetime or till she gets remarried. Further, litigation expenses of Rs.20,000/- was awarded to the respondent.

7. It is submitted by the learned counsel for the petitioner/husband that since the respondent was suffering from serious ailment, she was not able to perform the marital obligations and day today household work. Therefore, with the consent of the respondent, second marriage was performed. However, the respondent started residing separately in her parental house since 2016. It is submitted that he is taking care of medical and other expenses of respondent/wife, but at the instigation of brother of respondent/wife, the proceedings are initiated. The properties mentioned in the petition are the joint family properties to be

partitioned among his brothers and sisters who are six in numbers and hence, the petitioner is entitled to only 1/6 share in the suit schedule properties subject to result of the suit. Further there is no property standing in the name of the petitioner, the entire document which were placed before the Family Court are standing in the name of the father of the petitioner i.e. Ex.P32 to P56 are the joint family properties, not in the name of the petitioner. It has not been proved that the petitioner is holding 10 to 12 Acres of land, out of which 3-4 Acres are Arecanut garden, 500-600 mango trees, wet land and the income of the petitioner will be about 20—25 lakhs is without any basis. It is submitted that no material has been placed on record to show that petitioner/husband is having income of Rs.15,000/- p.m., by milk vending and Rs.30 to 40 lakhs by sheep breeding. It is submitted by the learned counsel for respondent-wife that the petitioner-husband failed to maintain respondent and her son and they were residing in her parental house. It is submitted that Petitioner-

husband drove her along with son out of matrimonial house in spite of her ill-health, i.e., rheumatoid arthritis, due to which, she was unable to do any household work. In spite of Panchayath, the petitioner did not accede to the words of elders and refused to take the respondent and son to matrimonial house. In the course of cross-examination of PW.1 on behalf of the respondent by confronting Ex.R1 to R3-photos and in the course of cross-examination of PW.2, he admits that the respondent has taken second marriage with Radhamma and he has got children through her. It is further contended that the petitioner is holding 10 to 12 Acres of land, out of which 3-4 Acres are Arecanut garden, 500-600 mango trees, wet land and the income of the petitioner will be about 20—25 lakhs. That no material has been placed on record to show that petitioner/husband is having income of Rs.15,000/- p.m., by milk vending and Rs.30 to 40 lakhs by sheep breeding. It is submitted that the order passed by the

Family Court awarding maintenance of Rs.20,000/- is just and reasonable.

8. It is submitted by the learned counsel for the respondent that It is contended by the learned counsel for the respondent before this Court-wife that she is suffering from Rheumatoid Arthritis of both hips. The husband has not taken care to provide treatment to her. Therefore it is very difficult for her to do household and agricultural works. He has completely neglected wife and her son's welfare and drove them out of the matrimonial house with the ill-advice of one Radhamma and they are residing with her parents.

9. It is further contended that in the family arrangements he got the landed properties approximately 10-12 acres to his share of coconut garden and 500-600 mango trees and fruit yielding 3-4 acres of arecanut trees and having income more than Rs.20-25 lakhs per annum. In addition to that he is doing business and getting 2-3 lakhs per year and also having livestock and

every day getting more than 10-15 liters of milk and vending to milk society and earning Rs.15,000/- per month and also rearing the sheep. It is contended that in all the respondent is getting the income of Rs.35-40 lakhs per year.

10. It is further contended that husband requires Rs.20,000/- per month for her food, clothing, shelter, medical expenses and education of her son and other expenses. Further, he is not showing any affection towards the petitioner and her son and wife has to bear all the educational expenses of his son. Therefore, maintenance of Rs.20,000/- p.m., awarded by the Family Court is just and reasonable and requires no interference.

11. Heard the learned counsel for the petitioner as well as respondent and perused the records.

12. It is observed by this Court that the petitioner has produced Ex.P3 to 12 and 32 to 40 RTC extracts, Ex.P28 - certified copy of Will, Ex.P58-certificate issued

by Hebbur Horticulture Farmer Producer Company Ltd., photos and other documents to show the agricultural income of the respondent. The respondent in his affidavit of assets and liabilities has shown his occupation as coolie and income at Rs.10,000/- per month. In the course of cross-examination of PW.1 on behalf of the respondent made suggestions to the effect that there are no properties standing in the name of the respondent and all the documents are standing in the joint family and PW.1 admits the said suggestion. The above said suggestion made on behalf of the respondent clearly indicates that the joint family of the respondent is owning landed properties and the same is evident from Ex.P3 to P12 - RTC extracts. The petitioner has produced Ex.P28 - Will to show that the husband has got self-acquired properties of his father. Ex.P32 to 40 RTC extracts pertains to Ex.P28, Will properties. Further, wife has produced Ex.P30-plaint and Ex.P31 written statement in O.S.No.528/2021 to show that suit in O.S.No.528/2021 has been filed by respondent-husband

against his mother, brother and sisters seeking partition of joint family properties and it is still pending. However, respondent is having joint family properties and in the said lands, raising commercial crops like arecanut, coconut, mango trees and other crops. Therefore, it can be said that respondent is getting agricultural income.

13. The petitioner has produced Ex.P59 'B' register extract to prove that car is standing in the name of second wife Radhamma. As noticed above, this court as per order dated 04.12.2021 passed on 1.A.No.II, ordered the respondent to pay interim maintenance of Rs.15.000/- per month to the petitioner during the pendent-lite of this proceedings. As could be seen from Ex.P60 document that the respondent challenged the said order before this Court in RPFC.No.64/2022. The said RPFC.No.64/2022 was dismissed on 04.09.2023 for non-prosecution. The respondent is paying the said interim maintenance amount to the petitioner. During the course of cross-examination of RW.1 on behalf of the petitioner put a question to the effect that the wife

requires Rs.20,000/- per month for her and son's maintenance and medical treatment. RW.1 has stated that he is paying the same to the petitioner. It is pertinent to note that the respondent has not placed any materials to show that he is providing money for maintenance and medical treatment of the petitioner, except payment of interim maintenance amount ordered by this court. The above said statement of RW.1 clearly establishes the capacity of payment of maintenance amount of Rs.20,000/- to the petitioner. RW.1 in the course of cross-examination admits that the son of the petitioner by name Ravi is not doing any job. Therefore, it is clear that the son of the petitioner is unable to maintain the petitioner as he has no source of income. The respondent being the husband, it is his bounden duty and moral obligation to maintain his ailing wife.

14. From the medical records produced by wife and statement of RW.1 during the course of cross-examination, it is crystal clear that the wife is suffering from Rheumatoid Arthritis of both hips and she is not in a

position to move and do any work. She needs regular treatment for her ailment.

15. Further, as observed by the Family Court, in the case of ***Sabita Ben Somabai Bhatia v. State of Gujarat*** reported in ***(2005) 3 SCC 636*** it has been held that Section 125 of Cr.P.C. gives effect to fundamental rights and natural duties of a man to maintain his wife, children and parents when they are unable to maintain themselves.

16. Considering the present days of cost of living, escalation of prices, basic necessities of the petitioner, expenses to be borne by the petitioner towards her treatment for ailment, monthly maintenance of Rs.20,000/- from the date of petition till the life time of wife or till she gets remarried, is just and reasonable. Further, litigation expenses of Rs.20,000/- awarded by the Family Court is also reasonable. Arrears of maintenance shall be paid within a period of two months from the date of receipt of this order. However, any

amount paid to the wife during pendency of proceedings, shall be adjusted.

17. In the result, the following order is passed:

- i) The RPFC is ***dismissed.***
- ii) The petitioner – husband shall continue to pay maintenance of Rs.20,000/- p.m, awarded by the Family Court from the date of petition till during the lifetime of wife or till she gets remarriage.
- iii) The litigation expenses and arrears of maintenance shall be paid within a period of two months from the date of receipt of this order.
- iv) Any amount paid to the wife during pendency of proceedings, shall be adjusted.

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

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