

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

REV.PET FAMILY COURT NO.228 OF 2025

BETWEEN:

SAGAR S.S.
S/O. S.P. SANGAMESHWARA
AGED ABOUT 35 YEARS
R/O.36, SUMUKHA NILAYA,
SAI BABA LAYOUT,
SRIRAMPURA 2ND STAGE,
MYSURU - 570 008.

...PETITIONER

(BY SRI. ABUBACKER SHAFI.,ADVOCATE (VC))

AND:

1. SMT. MAHIMA K.S.
W/O. SAGAR S.S.
D/O. SRINIVASA MURTHY,
AGED ABOUT 29 YEARS,
2. CHINMAYEE S.
D/O. SAGAR S.S.
AGED ABOUT 7 YEARS,

THE 2ND RESPONDENT IS MINOR,
REPRESENTED BY HER NATURAL
GUARDIAN MOTHER THE 1ST RESPONDENT.

BOTH ARE RESIDING AT NO.2870/A,
5TH CROSS, R.P. ROAD,
NANJUNAGUD TOWN
MYSURU DISTRICT-571 301.

...RESPONDENTS

(VIDE ORDER DATED 18.03.2026,
NOTICE TO R1 IS HELD SUFFICIENT,
R2 IS MINOR REPRESENTED BY R1)

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



THIS RPFC IS FILED U/S.19(4) OF THE FAMILY COURTS ACT, 1984, AGAINST THE ORDER DT.02.04.2025 PASSED IN CRL. MISC NO.477/2023 ON THE FILE OF II ADDITIONAL PRL. JUDGE, FAMILY COURT, MYSURU, 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 25.03.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

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

CAV ORDER

This petition is filed by the petitioner being aggrieved by the order dated 02.04.2025 passed by the Court of II Additional Principal Judge, Family Court, Mysuru in Crl.Misc.No.477/2023 (hereinafter referred to as 'Family Court') whereby the Family Court has directed the petitioner to pay maintenance of Rs.8,000/- per month to respondent No.1 and Rs.5,000/- per month to respondent No.2.

The brief facts of the case are as follows:

2. The petitioner/husband married the respondent No.1/wife on 11.06.2015 at K.R.Nagar. After the

marriage, the petitioner and respondent lived together as husband and wife. Subsequently, the respondent alleged that the petitioner had subjected her to harassment and assault. On the basis of the said allegations, the respondent filed a petition seeking maintenance in CrI.Misc.No.477/2023 before the II Addl. Principal Judge, Family Court, Mysuru.

3. After hearing the learned counsel appearing for the parties, the Family Court, by order dated 02.04.2025 directed the petitioner to pay maintenance of Rs.8,000/- per month to the respondent No.1 – wife till her lifetime and Rs.5,000/- per month to the respondent No.2 – daughter till she attains the age of majority.

4. Learned counsel for the petitioner denied the allegations and stated that the wife could not adjust to the joint family system, frequently stayed at her parental home, demanded a separate house and was not performing marital duties. He further alleged that the wife is employed and capable of maintaining herself. The wife filed a maintenance petition under Section 125 Cr.P.C.,

claiming maintenance for herself and the minor child. The Family Court awarded maintenance of Rs.8,000/- per month to the wife and Rs.5,000/- per month to the child. Aggrieved by the maintenance order, the petitioner has filed the present revision petition contending that the Family Court erred in appreciating the evidence, ignored the wife's independent income and failed to consider that the petitioner had taken steps for reconciliation and had also filed a petition for restitution of conjugal rights. The petitioner submits that the maintenance awarded is excessive and liable to be set aside.

5. Heard the learned counsel appearing for the petitioner and perused the material on record. Notice served to respondents is held sufficient and none appeared.

6. Upon careful perusal of the records, it is evident that the marital relationship and paternity of the child are admitted. The respondent No.1 – wife and respondent No.2 – minor child are living separately. The Family Court

has considered both oral and documentary evidence placed on record. The contention of the petitioner that the respondent No.1 voluntarily deserted him is a matter of factual dispute. The Family Court, after appreciating the evidence, has recorded a finding that the respondent No.1 was neglected and not adequately maintained.

7. The material on record indicates that the respondents were compelled to live separately. The obligation to maintain wife and child is a statutory and moral duty. The petitioner has not placed any cogent material to demonstrate inability to pay maintenance. On the contrary, the Family Court has considered his occupation and earning capacity while determining the quantum of maintenance. The contention that the respondent No.1 is gainfully employed has not been substantiated with reliable evidence. The amount of Rs.13,000/- in total awarded to both the respondents cannot be said to be excessive and it appears to be reasonable and proportionate considering the cost of

living, needs of the wife and minor child and earning capacity of the petitioner.

8. Having considered the facts and circumstances of the case, this Court does not find any infirmity in the impugned order passed and grounds for interference. The maintenance awarded through the impugned order is just and proper as an interim measure. Therefore, this Court is of the view that there are no merits in this writ petition. Accordingly, the following:

ORDER

- i) The Revision Petition is hereby ***dismissed***.
- ii) Monthly maintenance of Rs.8,000/- per month to the respondent No.1 towards her maintenance and Rs.5,000/- per month to the respondent No.2 towards maintenance along with her education and medical expenses, which the petitioner – husband is ordered to pay by the Court of II Additional Principal Judge, Family Court, Mysuru, in Crl.Misc.No.477/2023 dated 02.04.2025 is hereby confirmed.

iii) Petitioner – husband shall clear all arrears within a period of four weeks.

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

MH/-