

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF APRIL 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

REV.PET FAMILY COURT NO. 60 OF 2018

C/W

REV.PET FAMILY COURT NO. 34 OF 2018

IN RPFC No.60/2018

BETWEEN:

1. SMT. AKSHATA D.G. @ NANDINI
W/O MANJUNATH BALEKUNDRI
AGE: 30 YEARS
OCC: HOUSEWIFE
2. MASTER SHUBAN
S/O MANJUNATH BALEKUNDRI,
AGE: 5 YEARS,
MINOR, REPRESENTED BY HIS NATURAL
MOTHER GUARDIAN, SMT. AKSHATHA D.G.

BOTH ARE RESIDENTS OF
C/O K.S MALLESHAPPA
NO.97, SHANTHALA NILAYA,
8TH CROSS, A BLOCK DEVRAJ URS LAYOUT,
DAVANAGERE.

PRESENTLY THEY ARE RESIDING AT
AKSHATA D.G
D/O GANGADHARAPPA D.P.
3428/ C61A, 62, 62A PANCHASANGAMA,
BASAVESHWAR NAGAR,
DAVANAGERE – 577 006.

...PETITIONERS

(BY SRI.PURUSHOTHAM H.E., ADVOCATE FOR
SRI. BASAVARAJ GODACHI., ADVOCATE)

AND:

SRI. MANJUNATH
S/O VEERANNA BALEKUNDRI
AGE: 37 YEARS
OCC: CGI INFO SYSTEMS BANGALORE,

R/O NO.51/100,
C/O NARAYANAGOWDAR,
21ST MAIN, 21ST CROSS,
VIJAYNAGAR
NEAR MARUTHI MANDIR,
BENGALURU.

ADDNL ADDRESS:
R/O NO.25, BANASHANKARI LAYOUT
2ND CROSS,SULLA ROAD,
HUBLI - 23.

PRESENTLY WORKINNG AS A
SR. SOFTWARE ENGINEER IN CGI,
INFO SYSTEM,
HAL AIRPORT ROAD,
BENGALURU.

...RESPONDENT

(BY SRI.MANJUNATH BALEKUNDRI -RESPONDENT-
PARTY IN PERSON)

THIS RPFC IS FILED UNDER SEC.19[4] OF THE FAMILY COURT
ACT. AGAINST THE ORDER DATED 04.01.2018 PASSED IN
CRL.MISC.NO.111/2015 ON THE FILE OF THE PRINCIPAL JUDGE,
FAMILY COURT BANGALORE DISMISSING THE PETITION AS AGAINST
PETITIONER NO.1 AND PARTLY ALLOWING THE PETITION AS
AGAINST THE PETITIONER NO.2 FILED UNDER SEC.125 OF CR.PC.
FOR MAINTENANCE.

IN RPFC NO.34/2018

BETWEEN:

SRI. MANJUNATH BALEKUNDRI,
S/O. VEERANNA BALEKUNDRI
AGED ABOUT 36 YEARS
EMPLOYEE , CGI COMPANY
R/O NO.51/100, C/O M.NARESH CHAND JAIN,
21ST MAIN, 21ST CROSS, VIJAYANAGAR
NEAR MARUTI MANDIR,
BENGALURU - 40.
ADDL. ADDRESS: R/O NO.25,
BANASHANKARI LAYOUT, 2ND CROSS

SULLA ROAD, HUBLI - 580 023.
EDUCATION : B.E MECHANICAL.

...PETITIONER

(BY SRI. MANJUNATH BALEKUNDRI, PETITIONER –
PARTY –IN- PERSON)

AND:

1. SMT. AKSHATA D.G. @ NANDINI,
EX-W/O. MANJUNATH BALEKUNDRI, (DIVORCED)
AGED ABOUT 30 YEARS
EDUCATION: M.TECH COMPUTERS
2. MASTER SHUBAN
S/O. MANJUNATH BALEKUNDRI,
AGED ABOUT 6 YEARS
SINCE MINOR REPRESENTED BY
HIS FRIEND- NATURAL MOTHER
SMT.AKSHATHA D.G.

BOTH RESPONDENT NOS.1 AND 2 ARE RESIDENTS OF
C/O K.S.MALESHAPPA,
NO.97, SHANTHALA NILAYA,
8TH CROSS, A BLOCK DEVARAJ URS LAYOUT,
DAVANAGERE- 577 001.

...RESPONDENTS

(BY SRI. PURUSHOTHAMA H.R., ADVOCATE FOR
SRI. BASAVARAJ GODACHI, ADVOCATE FOR R1)

THIS RPFC IS FILED UNDER SEC.19[4] OF THE FAMILY
COURT'S ACT 1984 AGAINST THE ORDER DATED 04.01.2018
PASSED IN CR.MISC.NO.111/2015 ON THE FILE OF THE PRINCIPAL
JUDGE, FAMILY COURT, AT BANGALORE DISMISSING THE PETITION
FILED UNDER SEC.125 OF CR.P.C, FOR MAINTENANCE.

THESE PETITIONS HAVING BEEN HEARD AND RESERVED FOR
ORDERS ON 13.03.2026 AND COMING ON FOR PRONOUNCEMENT
THIS DAY, THE COURT MADE THE FOLLOWING:

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

CAV ORDER

RPFC 60/2018 is filed under Section 19(4) of the Family Court Act, by wife and minor child, boy aged 05 years, against the respondent- husband praying to set aside the order dated 04.01.2018 passed by the Principal Judge, Family Court, Bengaluru in Crl.Misc.No.111/2015 and to modify the order dated 04.10.2018 awarding maintenance of Rs.10,000/- to the minor boy.

RPFC No.34/2018 is filed under Section 19(4) of the Family Courts Act, by the husband against wife and minor child, praying to set aside the order dated 04.01.2018 passed by the Principal Judge, Family Court, Bengaluru in Crl.Misc.No.111/2015 awarding maintenance of Rs.10,000/- to the minor boy.

Brief facts of the case leading to the filing of these petitions are as under:

2. The marriage between the petitioner and the respondent was somenized on 23.03.2011 at Dharwad

under the Hindu customs in the presence of parents of both the parties. It is contended that father of the appellant has given 05 tolas of gold and Rs.50,000/- by way of cash to the respondent-husband. Out of the wedlock of the appellant and respondent, one male child was born on 02.01.2012. After one year from said date, there was a rift between the couple for several reasons. It is contended that husband started harassing the petitioner and demanded for dowry in the form of costly articles. After birth of child, it is submitted that husband was not treating the wife with love and affection and insulting her that the child is black. Therefore, wife filed a petition for divorce.

3. It is contended that the wife did not stay in the matrimonial house and was doing her M.Tech course when the child was 05 months old. That the husband is earning Rs.80,000/- p.m., working as a Software Engineer, but failed to maintain wife and child. Further, it is contended that the wife was doing correspondence M.Tech course and

not having any income, but husband deserted his wife and child.

4. IA No.5 in M.C.No.785/2015 was filed by the husband for granting temporary custody of his son Ganesh/Shuban to himself and his parents every 15 days once from Saturday morning 10 AM to Sunday evening 5-00 PM without any interference either from respondent or anybody. It is contended that the petitioner filed petition for decree of divorce on the ground of cruelty and desertion. The respondent during December 2011 went to her parents home for delivery and gave birth to a baby boy and he has paid the entire hospital expenses. From December 2011 the wife is residing separately and has not returned to matrimonial home. The wife was not allowing husband to meet his son and she has deprived his right of getting love and affection of child which was just 03 years and 05 months. It is contended that the respondent was aware that he is working at Bengaluru and for healthy growth of child, interacting with parents is very much essential and because of the dispute between the husband

and wife the child should not suffer. That the husband wants to spend quality time with his son and because of that the respondent will not suffer any loss or injury. It is further contended by husband that himself and his parents were not able to travel to the child's place because of threat to life as he stated before the Court in CP No.180/2014 and also not to cause hardship to child due to travel around 500 Kms. The balance of one sided convenience lies in his favour because the respondent has already completed M.Tech by August 2015. Hence prayed for allowing the application. The wife filed objection and denied the averments made by the husband in the affidavit and contended that the husband has suppressed the material facts before the Court. It is contended the application is highly misconceived to harass the wife, filed at belated stage with an intention to drag the proceedings and hence application is not maintainable.

5. I.A.No.5 was partly allowed the visitation right of the child for summer vacation for the year 2017 was granted and directed the wife to handover the child in the

presence of the Director of Mediation Centre, Bengaluru. Further, a sum of Rs.4,000/- was awarded as traveling expenses to wife.

6. Thereafter, Crl.Misc.No.111/2015 came to be filed by wife and minor child before the Principal Judge, Family Court at Bengaluru under Section 125 of Cr.P.C., seeking maintenance of Rs.30,000/- p.m., and Rs.10,000/- towards litigation expenses.

7. It is submitted by husband that wife herself neglected to join the respondent without any reasonable cause or excuse. The husband also filed M.C.No.106/2014 before the Family Court, Hubli and later, it was transferred to Family Court, Bengaluru as per order of this Court and numbered as M.C.No.758/2015. Further, this Court granted decree of divorce on the ground of cruelty and desertion in favour of the respondent on 02.08.2017.

8. Learned counsel for petitioner No.1/wife contended that the Family Court erred in law in holding that wife is not entitled for any maintenance without

examining properly regarding the evidence adduced by husband that she is earning. Whereas, the wife is unemployed and has to take care of her minor son who is aged 14 years now. It is further contended that the husband has contracted second marriage after deserting his wife and minor child and he is having 7 years old daughter from his second wife.

9. Therefore, placing reliance on ***Dr.Kulbhushan Kumar vs. Raj Kumara and another*** reported in ***(1970) 3 SCC 129***, it was contended by learned counsel for the wife that 25% of the husband's gross salary has to be paid as maintenance to the wife.

10. It is further contended that the Family Court has erroneously held that the wife was earning even though she left the job of Guest Lecturer which was necessary for the purpose of pursuing M.Tech course and settled in Davanagere. Therefore, it is submitted that the wife is entitled for at least Rs.20,000/- p.m., towards maintenance of herself and the minor child and the Family

Court has erroneously granted Rs.10,000/- only towards maintenance of minor child.

11. Respondent/husband-party-in-person contended that the wife was doing M.Tech at Dharwad for a period of three years by leaving the matrimonial home along with child. Therefore, divorce proceedings were initiated by husband. Further, it is contended that wife is also qualified and earning. Therefore, wife is not entitled for any maintenance for her fault and she is able to maintain herself and minor child. Therefore, it is contended that the Family Court has erred in granting maintenance of Rs.10,000/- to the minor child from the date of petition till it attains the age of majority.

12. Respondent further contended that the wife was working as a Lecturer in a Polytechnic when she was only a B.E graduate. After birth of child, she had pursued post graduation course in SDM college of Engineering and Technology, Dharwad. That she is well qualified and completed her M.Tech in the year 2015. Therefore, the wife left the matrimonial house and pursued higher studies

by deserting the husband in order to pursue her career as a Lecturer. Further decree of divorce is granted in M.C.No.785/2015 on the ground of wife neglecting to join the husband without any reasonable cause or excuse. Further, the husband has been deserted by wife intentionally in order to pursue her career. Therefore, it is submitted that the petitioners/wife and child are not entitled for any maintenance as she has got sufficient income.

13. Heard the learned counsel for the petitioners as well as respondents in both the petitions and perused the records.

14. It is observed by this Court that the respondent is getting more than Rs.55,000/- per month as net salary. His brother is employed abroad. His father was retired employee and he is getting pension and he is having own house at Hubli. There is no much obligation of responsibility or burden to spend much amount towards his family members. On the other hand, the child requires at least Rs.10,000/- per month towards food,

nourishment, comforts, clothes, medical and other care. Though the wife is qualified and can secure a job, but there is no evidence adduced on the part of the respondent. The Principal Judge, Family Court, Bengaluru has rightly passed the order in CrI.Misc.No.111/2015 allowing the petition filed by Respondent No.2 under Section 125 of Cr.P.C., in part and awarding maintenance of Rs.10,000/- to the minor child from the date of petition till the date child attains the age of majority.

15. CrI.Misc.No.144/2025 was filed before the Principal Judge, Family Court, Bengaluru, by the petitioner-minor son against his father claiming arrears of maintenance and maintenance. Memo of calculation was filed by both the petitioner and respondent. It was contended by the respondent-father that as per the interim order granted by this Court on 28.01.2019 in RPFC No.34/2018, stay was granted subject to depositing 50% of arrears of maintenance within two months and continue to pay maintenance of Rs.10,000/- p.m., as fixed by the Family Court. The Family Court directed the respondent to

pay the balance maintenance amount of Rs.2,46,500/- as claimed in the petition, to the petitioner.

16. It is observed from the records that wife herself neglected to join the respondent without any reasonable cause or excuse. The husband also filed M.C.No.106/2014 before the Family Court, Hubli and later, it was transferred to Family Court, Bengaluru as per order of this Court and numbered as M.C.No.758/2015. Further, this Court granted decree of divorce on the ground of cruelty and desertion in favour of the respondent on 02.08.2017.

17. Further, it is observed by this Court that the wife was working as a Lecturer in a Polytechnic when she was only a B.E graduate. After birth of child, she had pursued post graduation course in SDM college of Engineering and Technology, Dharwad. Merely because she is well-qualified does not infer that she can get job any time. Moreover, now she is not employed.

18. It would be suffice to refer to the Judgment of the Hon'ble Supreme Court dated 07.04.2026 in SLP

(Civil) Nos.28311/2024, wherein in the relevant Paragraph No.58, it has been observed as under:

58. *"It is brought to our notice that one of the sons is a citizen of Canada. It goes without saying that maintenance, upbringing and the education of the son would require significant financial resources, especially considering today's high cost of living and education. Thus, even if the appellant-wife is highly educated and professionally qualified, that by itself cannot be a reason to absolve the respondent-husband from his matrimonial, paternal, moral and legal responsibility to provide for his wife and children."*

19. The Principal Judge, Family Court, Bengaluru passed the order in Crl.Misc.No.111/2015 allowing the petition filed by Respondent No.2-minor child under Section 125 of Cr.P.C., in part and awarding maintenance of Rs.10,000/- p.m., from the date of petition till the date of attaining the age of majority.

20. On hearing the learned counsel for the parties and on perusal of the records, this Court is of the opinion that wife is entitled to a sum of Rs.5,000/- p.m., as maintenance from the date of petition till the date of

divorce, i.e., 02.08.2017 and the child is entitled for enhanced maintenance of Rs.12,000/- p.m., from the date of petition until he attains the age of majority.

21. Therefore, the following order is passed:

i) RPFC No.60/2018 filed by wife and minor child is ***allowed in part.***

ii) Petitioner No.1 in RPFC No.60/2018- wife is entitled to a sum of Rs.5,000/- p.m., as maintenance from the date of petition till the date of divorce, i.e., 02.08.2017 and Petitioner No.2-child is entitled for maintenance of Rs.12,000/- p.m., from the date of petition until he attains the age of majority.

iii) RPFC No.34/2018 filed by petitioner – husband is ***dismissed.***

iv) Order dated 04.01.2018 passed by the Principal Judge, Family Court, Bangalore, in Crl.Misc.No.111/2015 is modified to the above extent.

v) Pending I.As, if any, shall stand disposed of.

vi) No order as to costs.

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

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