

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.285 OF 2022

BETWEEN:

SRI. P. MOHAN KARANTH
S/O P.MADHAVA KARANTH
AGED ABOUT 52 YEARS,
R/AT DOOR NO.6-77
SRI SUBRAMANYA NILAYA
CHITRAPURA POST,
KULAI, MANGALURU,
D.K.DISTRICT-575 019.

...PETITIONER

(BY SRI. K. RAVISHANKAR, ADVOCATE)

AND:

Digitally signed
by
VIJAYALAKSHMI
B N

Location: HIGH
COURT OF
KARNATAKA

1. SMT. SHOBHA KARANTH
W/O P. MOHAN KARANTH
D/O VASUDEVA BHAT
AGED ABOUT 51 YEARS,
2. MISS. NAGAVENI,
D/O MOHAN KARANTH
AGED ABOUT 22 YEARS,

BOTH ARE RESIDENT OF
C/O VASUDEVA BHAT,
NEAR CHITRAPURA TEMPLE,
KULAI, MANGALURU,
D.K.DISTRICT-575 019.

...RESPONDENTS

(BY SRI. SHIVARAMA BHAT O.,ADVOCATE FOR R1 AND R2)

THIS RPFC IS FILED UNDER SECTION 19(4) OF FAMILY COURT ACT, AGAINST THE ORDER DATED 31.10.2022 PASSED IN CRI.MISC.NO.60/2017 ON THE FILE OF THE PRINCIPAL JUDGE, FAMILY COURT, D.K.MANGALURU, 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 24.03.2026 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 31.10.2022 in Crl.Misc.No.60/2017 passed by the Court of Principal Judge, Family Court, D.K., Mangaluru (hereinafter referred to as 'Family Court') whereby, the Family Court has directed the petitioner to pay monthly maintenance of Rs.10,000/- each to respondents and a sum of Rs.10,000/- towards litigation expenses.

2. This Court has granted an interim order dated 10.07.2024. The petitioner – husband has submitted that he would deposit a sum of Rs.1,00,000/- (Rupees One

Lakh only) before this Court to show bona fide and insofar as arrears/future maintenance, he would undertake to offer residential premises named 'Sri Subramanya Nilaya', bearing Door No.6-77, Chitrapura Post, Kulai, Mangaluru, Dakshina Kannada District to respondents either for selling it or realizing towards total maintenance in respect of both respondents.

3. This Court directed the petitioner to file an affidavit to said effect before this Court within two weeks and deposit Rs.1,00,000/- before this Court. Subject to the condition, interim order was granted in favour of the petitioner. In compliance of the said interim order, the petitioner had filed an affidavit depositing an amount of Rs.1,00,000/- by way of demand draft before this Court on 22.07.2024.

4. The brief facts of the case are as follows:

The respondents i.e., wife and daughter filed a petition under Section 125 of Cr.P.C. seeking maintenance contending that the petitioner is the husband of the

respondent No.1 and father of the respondent No.2. Their marriage was solemnized on 26.02.1996 at Navagiri Hall, Hosabettu, Surathkal and out of their wedlock, they have a son aged about 21 years and a daughter aged about 17 years. After marriage, the petitioner subjected the respondent No.1 to harassment and has devastated her life. Hence, respondent No.1 along with her children having no independent source of income, resides with her parents along with the children and the respondent No.2 is pursuing her education requiring financial support. The petitioner is alleged to be an Astrologer earning sufficient income but neglecting to maintain them. The respondents have filed CrI.Misc.No.60/2017 under Section 125 of Cr.P.C., seeking Rs.25,000/- each per month towards maintenance.

5. After hearing the learned counsel appearing for both the parties, the Family Court, by order dated 31.10.2022 has passed an order directing the petitioner to pay maintenance of Rs.10,000/- each per month to the respondent No.1 and respondent No.2, till her marriage

and also directed the petitioner to pay a sum of Rs.10,000/- towards litigation expenses.

6. Learned counsel for the petitioner contended that the respondent No.1 is employed as a Headmistress of Aided Kaluvaru Higher Primary School, Chelairu in D.K. and has sufficient income. He also contends that the respondent No.2 has attained majority. He further contends that he is not having any income as he was earning earlier and he is finding difficulty to meet his own necessities. He further contends that maintenance of Rs.5,000/- per month was already being paid as per direction of the Family Court in M.C.No.20/2011 and arrears have been cleared. Aggrieved by the impugned order, the petitioner has filed the present revision petition challenging the quantum of maintenance and hence, prays to set aside the impugned order.

7. Learned counsel for the respondents have contended that respondents are residing along with respondent No.1 parents and they does not have any

source of income to maintain themselves and are totally depended on the income of the petitioner. They further contend that petitioner is an Astrologer by profession having sufficient means to maintain respondents. Respondent No.2 is now pursuing her education and is in need of educational support from her father. The Family Court has granted interim maintenance of Rs.5,000/- per month, which is not paid by the petitioner. Hence, prays for dismissal of the petition.

8. Heard learned counsel appearing for both the parties and perused the material on record.

9. The Family Court while allowing the application has observed that it is not case of the either of the parties that being aggrieved by the order dated 31.08.2013, granting interim maintenance of Rs.5,000/- anyone of them have preferred an appeal before the Hon'ble High Court or filed any writ petition. In other words, the respondent No.1 herein has not challenged the said order on the ground that interim maintenance awarded was on

the lower side and on the other hand, the petitioner herein has not challenged the said order alleging that he was unable to pay the said maintenance or the respondent No.1 herein was not entitled for the same. This shows that in the said divorce petition, the Family Court after holding an enquiry by recording evidence of the parties, came to the conclusion that the respondent No.1 – wife herein was unable to maintain herself and the petitioner – husband having sufficient means has neglected to maintain his wife and was in a position to pay maintenance of Rs.5,000/- per month.

10. Further, the Family Court considering the maintenance of Rs.5,000/- per month awarded in divorce petition in the year 2013, taking into consideration the cost of living in the year 2017 will be on the higher side than in the year 2013 and also keeping in mind the educational qualification of the respondent No.1 and her ability to work as a Teacher in an educational institution and needs of the respondent No.2 for her education and also considering the fact that the petitioner is an

Astrologer, has awarded a sum of Rs.10,000/- each to both the respondents and the respondent No.2 is entitled for monthly maintenance till her marriage and has also granted Rs.10,000/- towards litigation expenses. Learned counsel for the petitioner has relied upon the judgement of this Hon'ble Court in the case of ***Smt.Shilpashree J.M. and another vs. Gurumanjunatha A.S. and others*** in ***W.P.No.1324/2015 dated 19.06.2023***, which is not applicable to the case on hand.

11. 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 the amount deposited before this Court and paid to the respondents has to be adjusted and further, petitioner is directed to pay the arrears of maintenance and regular maintenance as per the direction of the Family Court. Accordingly, the following:-

ORDER

i) The RPFC is ***disposed of***.

ii) Monthly maintenance of Rs.10,000/- each from 22.09.2017 which is ordered to be paid by the petitioner – husband by the Court of Principal Judge, Family Court, D.K., Mangaluru, in Crl.Misc.No.60/2017 dated 31.10.2022 is hereby confirmed.

iii) Thus, the petitioner – husband shall pay the respondents a sum of Rs.10,000/- each per month with effect from 22.09.2017.

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

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

MH/-