



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

REV.PET FAMILY COURT NO. 291 OF 2024

BETWEEN:

MR. NAZEER,
AGED 48 YEARS,
S/O. Y. S. ABDULLAH,
R/NEAR,
MAINDAGURI MAJID,
JOKKATTE MANGALURU, TALUK.

...PETITIONER

(BY SRI. TALHA ISMAIL BENGRE, ADVOCATE)

AND:

1. MRS. ZAIRA,
W/O NAZEER,
D/O ABOOBAKKAR,
2. MISS.ALIMATHUL AFRIN,
AGED 19 YEARS,
D/O NAZEER,
3. MR MOAHMMED AFI
AGED 17 YEARS
D/O NAZEER
4. MR ABDUL ARSHAD
AGED 15 YEARS
5. MISS AYISHA LIYANA
AGED 12 YEARS
D/O NAZEER

PETITIONERS NO. 3,4 AND 5 ARE MINORS

Digitally signed
by AASEEFA
PARVEEN

Location: HIGH
COURT OF
KARNATAKA



ARE REPRESENTED BY THEIR MOTHER AND NATURAL
GUARDIAN, THE PETITIONER NO.1

AND ALL ARE RESIDING AT D.NO.1-115,
KURSUGUDDE MANGALORE TALUK,
D.K.DISTRICT -574142.

...RESPONDENTS

(BY SMT. HALEEMA AMEEN, ADVOCATE FOR
SRI. ASHOK KUMAR SHETTY K., ADVOCATE FOR R1 AND R2;
R3 TO R5 ARE MINORS REP. BY R1)

THIS RPFC IS FILED UNDER SEC.19(4) OF THE FAMILY
COURTS ACT., PRAYING TO SET ASIDE THE ORDER PASSED BY
THE HONBLE 1ST ADDL. PRINCIPAL JUDGE FAMILY COURT D.K.,
MANGALORE DATED 10.06.2024 IN CRIMINAL M.C.NO.
27/2023 AS MENTIONED IN ANNEXURE-A.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL ORDER

Heard Sri.Talha Ismail Bengre, learned counsel for the
petitioner as well as Ms.Haleema Ameen, who represents
Sri.Ashok Kumar Shetty K., learned counsel on record for the
respondents.

2. Being aggrieved by the order passed by the Court
of I Additional Principal Judge, Family Court, D.K., Mangaluru,
in Crl.Misc.Case No.27/2023 dated 10.06.2024 respondent
therein filed this revision petition.



3. First respondent being the wife, respondents No.2 and 5 being the daughters, respondents No.3 and 4 being the sons of the petitioner herein filed a petition claiming maintenance. Family Court directed petitioner herein to pay respondent No.1 a sum of ₹6,000/-, respondent No.2 a sum of ₹3,000/- and respondents No.3 to 5 a sum of ₹2,000/- each per month towards their maintenance. Aggrieved by the same petitioner is before this Court.

4. Learned counsel for the petitioner submits that the petitioner has no source of earnings. Petitioner worked as car driver for sometime and at present he is working as tempo driver on daily wages. He earns not more than ₹400/- to ₹450/- per day. Out of the amount he earns he has to eke out his livelihood. His savings will be hardly ₹100/- per day. Ignoring the financial status of the petitioner, Family Court directed petitioner to pay huge sum to the respondents as maintenance. Learned counsel states that petitioner has no movable or immovable properties either. Therefore, petitioner is unable to pay any amount for maintenance of the



respondents and thus allowing this revision petition, the impugned order is required to be set aside.

5. Vehemently opposing the said submission, learned counsel for the respondents submits that petitioner harassed respondent No.1 by maintaining illicit intimacy with different women. Finally, petitioner married one among them again and beget three children. Respondent No.1 has no source of earnings and she is under obligation to maintain four children. Liability vests upon petitioner to maintain the respondents and therefore Family Court rightly directed petitioner to pay maintenance to the respondents.

6. The liability on part of petitioner to maintain the respondents is not in dispute. Petitioner disputes the quantum of maintenance awarded. As per his version, excluding all the amount which is required for his sustenance, only ₹100/- per day will be left i.e. ₹3,000/- for a month. During the course of submission learned counsel for the petitioner stated that the maternal grandfather of the children maintains the children by selling mangoes. Learned counsel contended that petitioner is aged around 50 years and thus, he cannot do any work. If the



age of the petitioner is taken as 50 as put-forth by learned counsel for the petitioner, the age of his father-in-law i.e. the maternal grandfather of respondents No.2 to 5 will be more than that. If the grandfather is in a position to maintain the children by selling mangoes, this Court wonders why the petitioner who is the father of the children cannot do work and maintain the children. Petitioner cannot escape liability only by raising a plea that he reached 50 years of age and thus he cannot attend any work. Admittedly, he has the skill of driving and he is working as tempo driver even as per his version. Therefore, this Court is of the view that liability vests upon petitioner to provide maintenance to his wife as well as to his children.

7. Family Court directed petitioner to pay respondent No.1 a sum of ₹6,000/- per month, respondent No.2 a sum of ₹3,000/- per month and respondents No.3 to 5 a sum of ₹2,000/- per month each.

8. In the pleadings there is a mention by the respondents themselves that second respondent is aged about 19 years, third respondent 17 years, fourth respondent 15



years and fifth respondent 12 years. The petition for claiming maintenance was filed in the year 2023. Therefore, respondents No.3 and 4 should have attained the age of majority. Thus, liability vests upon the petitioner to maintain respondents No.1, 2 and 5 only as of now. Thus, considering these facts and also taking into consideration the financial status of the petitioner, this Court considers desirable to modify the impugned order.

9. Thus, the revision petition is disposed of with the following:

ORDER

- (i) The order that is rendered by the Court of I Additional Principal Judge, Family Court, D.K. Mangaluru, in CrI. Misc. Case No.27/2023 dated 10.06.2024 is modified.
- (ii) Petitioner is directed to pay respondent No.1 a sum of ₹5,000/- per month till her lifetime or till the order is modified by the competent Court.
- (iii) Petitioner shall also pay a sum of ₹2,000/- per month each to respondents No.3 and 4 till they attain the age of majority.



- (iv) Petitioner shall pay respondents 2 and 5 a sum of ₹2,500/- each per month till they get married or becomes financially independent.
- (v) Modified sum shall be paid from the date of this order. Till this date, petitioner shall pay maintenance as per the order of Family Court.
- (vi) All arrears shall be cleared within a period of three months.
- (vii) Revision petition is accordingly disposed of.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

AP
CT:TSM
List No.: 1 Sl No.: 44