

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

REV.PET FAMILY COURT NO.253 OF 2025

BETWEEN:

1. SMT NIVYASHREE R
COURT
W/O DR. SUNILKUMAR K N,
D/O RANGSHETTY,
AGED ABOUT 33 YEARS,
2. LISHITHASHETTY S N
D/O DR SUNILKUMAR K N,
AGED ABOUT 6 YEARS,
3. JISHNUSHETTY
S/O DR SUNILKUMAR K N,
AGED ABOUT 4 YEARS,

THE PETITIONERS NO.2 AND 3
ARE MINORS REPRESENTED BY
THEIR MOTHER PETITIONER NO.1
AS GUARDIAN

BOTH ARE R/AT NO.691,
SRI RANGA NILAYA,
2ND MAIN ROAD, 12TH CROSS,
NEAR GANAPATHI TEMPLE
CHANNAPATNA HOUSING BOARD,
OPP. NEW BUS STAND HASSAN.

...PETITIONERS

(BY SRI. MAHESH M R.,ADVOCATE)

AND:

DR. SUNIL KUMAR K N
S/O NARAGASHETTY,
AGED ABOUT 33 YEARS,

WORKING PLACE AT
SENIOR VETERINARY OFFICER,
VETERINARY HOSPITAL,
GANJIGERE VILLAGE,
KUNDURU HOBLI, ALUR TALUK.

RESIDING AT:
L.I.G NO.1345,
58TH ROAD,
CHANNAPATNA HOUSING BOARD,
OPP. NEW BUS STAND,
HASSAN.

...RESPONDENT

(RESPONDENT – SERVED (ABSENT))

THIS RPFC IS FILED UNDER SEC.19(4) OF THE FAMILY COURT ACT, AGAINST THE ORDER DATED 29.07.2025 PASSED IN CRL.MISC NO.71/2022 ON THE FILE OF PRL.,JUDGE, FAMILY COURT, HASSAN., PARTLY ALLOWING THE PETITION FILED UNDER SE.125 OF CR.P.C., FOR MAINTENANCE.

THIS REVISION PETITION FAMILY COURT HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 05.03.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

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

CAV ORDER

The present petition is filed under Section 19(4) of the Family Courts Act, 1984 by the petitioner-wife seeking to set aside the impugned order dated 29.07.2025 in Crl.Misc.No.71/2022 on the file of the Principal Family Court Hassan ('the Family Court' for short).

2. The petitioners/respondent herein is the petitioners/respondent before the Family Court.

3. The petitioner No.1 is the wife, petitioners No.2 and 3 are the minor children of the respondent-husband.

4. The CrI.Misc.No.71/2022 was filed under Section 125 of the Code of Criminal Procedure, 1973 ('the Cr.P.C', for short) by the petitioners against respondent seeking maintenance of Rs.20,000/- per month for petitioners No.1 to 3.

5. The brief facts of the case are that:-

The petitioner No.1 herein is the wife and the petitioners No.2 and 3 are the minor children of the respondent-husband. The petitioner No.1 was married to respondent on 17.04.2013 at Tanvi Trisha Kalyana Mantapa in accordance with Hindu customs and rites, in the presence of relatives and friends from both sides. After the solemnization of the marriage, the parties resided together and initially led their marital life happily without any discord. Out of the said wedlock, two children were born. The first female child was born on 23.08.2016 and is arrayed as petitioner No.2. Thereafter, a second male child was born on 20.05.2022 and is arrayed as petitioner No.3.

6. It is the case of the petitioners that after the marriage, the respondent began demanding for additional dowry from the parental home of petitioner No.1-wife. It is further alleged that the respondent frequently picked quarrels with petitioner No.1 on one pretext or another. On several occasions, elders from both families convened panchayaths and advised the respondent not to ill-treat petitioner No.1. However, despite such interventions, the conduct of the respondent allegedly did not improve and the harassment continued.

7. The petitioners urged that the respondent is a habitual drunkard and that he used to physically assault wife while reiterating his demands for additional dowry from her parental home. It is stated that when petitioner No.3 was born on 20.05.2022, the respondent did not even visit the hospital to see the newborn child. According to the petitioners, the respondent gradually neglected them and failed to provide basic necessities and support. It is further averred that in the year 2022, the respondent issued a legal notice to his wife seeking dissolution of marriage by way of divorce. However, wife did not send any reply to the said notice as she was in the post-pregnancy period at that time.

8. The respondent-husband entered appearance and filed his statement of objections denying the averments made in the petition and sought dismissal of the same.

9. In order to substantiate the case of the petitioners, the petitioner No.1 has examined herself as PW-1 and got marked documents as per Exs.P1 to P27. On the other hand, the respondent has examined himself as RW-1 and marked no documents in support of his defense.

10. Based on the pleadings, oral and documentary evidence, the Family Court framed issues and passed an order directing the respondent-husband to pay maintenance of sum of Rs.12,000/- to petitioner No.2 and Rs.12,000/- to petitioner No.3 and further held that petitioner No.1-wife is not entitled to any maintenance from the respondent.

11. Being aggrieved by the order of the Family Court, the petitioners have preferred the present petition seeking enhancement of the maintenance amount for petitioners No.2 and 3 and seeking maintenance for petitioner No.1.

12. Learned counsel for the petitioners would contend that the respondent is working as a Senior Veterinary Officer in

the Department of Animal Husbandry and Veterinary Services under the Government of Karnataka. During the course of cross-examination, the respondent has admitted that he was drawing a gross salary of about Rs.1,30,000/- per month. In support of the said contention, the petitioners have produced the salary slip for the month of June, 2022 marked as Ex.P5, which indicates that the respondent was drawing a gross salary of Rs.90,167/- and a net salary of Rs.70,505/- per month at the relevant point of time. In view of the subsequent Government pay revision, the respondent is presently drawing approximately Rs.1,60,000/- per month.

13. It is further contended that apart from his salary income, the respondent possesses sufficient assets and financial resources. The respondent has admitted that he owns a Tata Nexon Car, a Royal Enfield Bullet motorcycle and a Honda Unicorn motorcycle. The petitioners have also produced the RTC marked as Ex.P8 to show that the respondent has purchased 2 guntas of land in the name of his father, upon which, according to the petitioners, a three-storied building has been constructed.

14. Learned counsel for the petitioners further submits that the respondent is also running a medical shop in the name and style of "Lishitha Medicals", which indicates that he has additional sources of income. In spite of possessing such financial capacity, the respondent has allegedly neglected and failed to maintain the petitioners. The petitioners had produced several documents before the Family Court stating the expenditure incurred for the education of petitioner No.2 and the upbringing of petitioner No.3. The said documents include school fee receipts, book bills and educational records marked as Ex.P6, Ex.P7 and Ex.P11 to Ex.P19.

15. It is also submitted that the petitioners have also produced medical bills relating to petitioner No.2 and petitioner No.3 marked as Ex.P20 to Ex.P24, which demonstrate the medical expenses incurred for the children. It is therefore contended that the Family Court failed to properly appreciate the documentary evidence placed on record and the financial capacity of the respondent and has awarded maintenance of only Rs.12,000/- per month each to petitioners No.2 and 3, which is stated to be inadequate. It is further submitted that the petitioners are presently dependent upon the father of

petitioner No.1, who does not have sufficient income to maintain them.

16. The learned counsel appearing for the respondent-husband reiterated the averments made in his statement of objections. He admitted that petitioner No.1 is his legally wedded wife and that petitioner No.2 is his daughter, but stated that he had no knowledge about the birth of petitioner No.3 and claimed that he was unaware that petitioner No.1 had delivered a male child. He denied the allegation that he was running the medical shop in the name and style of Lishitha Medicals and produced certain documents including copies of licences relating to a medical shop earlier known as Lishitha Medical Hub and now named Shree Surya Putra Medicals, in order to show that the said establishment was not in his name. He further produced a rent agreement to contend that he was residing in a rented house and paying approximately Rs.16,000/- per month as rent. The respondent also placed on record certain lab reports relating to himself and pension papers of his deceased father, who had been an employee of Bharat Sanchar Nigam Limited, in support of his defence.

17. Having considered the rival contentions and upon perusal of the material placed on record, it is not in dispute that petitioner No.1 is the legally wedded wife of respondent-husband. The respondent has also admitted that petitioner No.2 is his daughter. Though the respondent initially claimed that he had no knowledge about the birth of petitioner No.3, the Family Court, on appreciation of the evidence on record, has recorded a finding that there was no plea of non-access and that the respondent had failed to rebut the presumption regarding legitimacy. The said finding is based on the documentary evidence produced by the petitioners including the birth certificates marked as Ex.P3 and Ex.P4, and the same does not call for interference.

18. The material on record further discloses that the respondent is working as a Senior Veterinary Officer in the Department of Animal Husbandry and Veterinary Services under the Government of Karnataka. The salary slip for the month of June, 2022 marked as Ex.P5 indicates that the respondent was drawing a gross salary of Rs.90,167/- and a net salary of Rs.70,505/- per month. During the course of cross-examination, the respondent has admitted that his present gross salary is about Rs.1,30,000/- per month. The

respondent has also admitted that he owns a Tata Nexon car and two motorcycles namely Royal Enfield Bullet and Honda Unicorn. These circumstances clearly demonstrate that the respondent possesses sufficient financial capacity.

19. The evidence on record further indicates that petitioners No.2 and 3 are minor children, wherein, petitioner No.2 is pursuing her education. The petitioners have produced school fee receipts, book bills and other educational documents marked as Ex.P6, Ex.P7 and Ex.P11 to Ex.P19, along with medical bills relating to petitioner No.2 and petitioner No.3 marked as Ex.P20 to Ex.P24. These documents clearly reflect the expenditure incurred towards the education, medical treatment and other necessities of the children. The object of Section 125 of the Cr.P.C. is to prevent destitution and to ensure that the wife and children are not left without means of subsistence.

20. Insofar as petitioner No.1-wife is concerned, the Family Court has taken note of the fact that she is highly qualified with a M.Tech. degree and is working as an Assistant Professor in a private institution drawing a salary of about Rs.22,600/- per month. The said fact has been admitted by her

during the course of cross-examination and is also reflected in the affidavits filed disclosing her assets and liabilities. In view of the admitted income of petitioner No.1, the Family Court has rightly held that she is capable of maintaining herself. Upon re-appreciation of the material on record, this Court does not find any illegality or perversity in the said finding warranting interference.

21. However, insofar as the quantum of maintenance awarded to petitioners No.2 and 3 is concerned, this Court is of the opinion that the amount of Rs.12,000/- per month each awarded by the Family Court is on the lower side having regard to the admitted income of the respondent and the needs of the minor children. The respondent is a Government employee drawing a substantial salary and the children are entitled to be maintained in a manner commensurate with the financial capacity and status of their father. The documentary evidence produced by the petitioners clearly indicates that expenses are incurred towards school fees, books, medical treatment and other necessities.

22. Taking into consideration the income of the respondent, the educational and medical expenses of the

children as reflected in Ex.P6, Ex.P7, Ex.P11 to Ex.P19 and Ex.P20 to Ex.P24 and the overall circumstances of the case, this Court is of the considered view that enhancement of maintenance from Rs.12,000/- to Rs.15,000/- per month each to petitioners No.2 and 3 would be just, reasonable and in consonance with the object of Section 125 of the Cr.P.C.

23. In view of the above, this Court proceeds to pass the following:-

ORDER

(i) *The Revision petition is **allowed-in-part.***

(ii) *The judgment dated 29.07.2025 passed in Crl.Misc.No.71/2022 by the Principal Family Court, Hassan is hereby modified.*

(iii) *The maintenance awarded to petitioners No.2 and 3 is enhanced from Rs.12,000/- per month each to Rs.15,000/- per month each payable by the respondent.*

(iv) *The finding of the Family Court that petitioner No.1-wife is not entitled to maintenance is hereby confirmed.*

(v) The respondent shall pay maintenance amount every month regularly without fail as per the order.

(vi) All other conditions imposed by the Family Court shall remain unaltered.

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

MH/-