



CNR: KAHC010624442024

NC: 2026:KHC:39580
RPFC No. 244 of 2024
C/W RPFC No. 232 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JULY, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

REV.PET FAMILY COURT NO.244 OF 2024

C/W

REV.PET FAMILY COURT NO.232 OF 2024

IN RPFC NO.244/2024:

BETWEEN:

SMT. T. LATHA
W/O. A. L. RAVISHANKAR
AGED ABOUT 47 YEARS
R/AT UDUVARE DHAKLE
ARALIKATTE VILLAGE
KATTAYA HOBLI, HASSAN TALUK
HASSAN DISTRICT-573 201

...PETITIONER

(BY SRI DEVENDRA N., ADVOCATE)

AND:

SRI A. L. RAVISHANKAR
S/O. LATE LAKSHMEGOWDA
AGED ABOUT 60 YEARS
R/A MUDALAHIPPE VILLAGE AND POST
HOLENARASIPURA TALUK
HASSAN DISTRICT-573 211

...RESPONDENT

(BY SRI RAVINDRANATH K., ADVOCATE)

THIS RPFC IS FILED UNDER SECTION 19(4) OF FAMILY COURT ACT, AGAINST THE ORDER DATED 30.07.2024 PASSED IN CRL.MISC.NO.13/2017 ON THE FILE OF THE C/C PRINCIPAL

Digitally signed
by AASEEFA
PARVEEN

Location: HIGH
COURT OF
KARNATAKA



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JUDGE, I ADDITIONAL FAMILY COURT, HASSAN, ALLOWING
THE PETITION FILED UNDER SECTION 127 OF CR.P.C FOR
ENHANCEMENT OF MAINTENANCE.

IN RPFC NO.232/2024:

BETWEEN:

SRI A. L. RAVISHANKAR
S/O. LATE LAKSHMEGOWDA
AGED ABOUT 62 YEARS
R/A MUDALAHIPPE VILLAGE AND POST
HOLENARASIPURA TALUK
HASSAN DISTRICT-573 211

...PETITIONER

(BY SRI. RAVINDRANATH K., ADVOCATE)

AND:

SMT. T. LATHA
W/O. A. L. RAVISHANKAR
AGED ABOUT 46 YEARS
R/AT UDUVARE DHAKLE
ARALIKATTE VILLAGE
KATTAYA HOBLI-573 128
HASSAN TALUK, HASSAN DISTRICT

...RESPONDENT

(BY SRI. DEVENDRA N., ADVOCATE)

THIS RPFC IS FILED UNDER SEC.19(4) OF THE FAMILY
COURTS ACT., AGAINST THE ORDER DATED 30.07.2024
PASSED IN CRL. MISC NO.13/2017 ON THE FILE OF C/C PRL.
JUDGE, I ADDITIONAL FAMILY COURT, HASSAN, ALLOWING
THE PETITION FILED UNDER SEC.127 OF CR.P.C., SEEKING
FOR ENHANCEMENT OF THE MAINTENANCE AMOUNT.

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



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CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL ORDER

Heard Sri.Devendra.N, learned counsel for the petitioner in RPFC No.244/2024 who is also representing the respondent in the connected revision petition i.e., RPFC No.232/2024. Also heard Sri.Ravindranath.K, learned counsel for the petitioner in RPFC No.232/2024 who is also representing the respondent in RPFC No.244/2024.

2. Challenge in these revision petitions is the order that is rendered by the Court of Principal Judge, I Additional Family Court, Hassan in Crl.Misc.No.13/2017 dated 30.07.2024.

3. For the sake of convenience of discussion, parties to the proceedings will hereinafter be referred to as wife and husband.



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4. As per the material available on record, husband was directed to pay wife a sum of Rs.4,000/- per month towards her maintenance vide order dated 03.02.2014. Projecting that due to the increase in the cost of living, the amount ordered to be paid towards maintenance is not sufficient, wife filed Crl.Misc.No.13/2017 invoking Section 127 Cr.P.C seeking for enhancement. The Court of Principal Judge, First Additional Family Court, Hassan rendered orders directing husband to pay wife a sum of Rs.7,000/- per month from the date of filing of Crl.Misc.No.13/2017 till life time of the wife. Raising a contention that there are no grounds for such enhancement, husband filed RPFC No.232/2024. Projecting that the enhancement is too meagre, wife filed RPFC No.244/2024.

5. Learned counsel who represents the husband submits that husband was regular in paying Rs.4,000/- per month towards maintenance. Wife is a tailor by profession and she earns substantial amount. That apart a decree of



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divorce was passed and thereafter husband contracted another marriage. He also adopted a boy. Thus husband is under obligation to look after his wife and child. Also husband retired from service on 30.05.2023. On retirement he is eking out his livelihood through the pension he receives and the pension he receives is around Rs.33,000/- per month. Husband is under obligation to get the adopted son educated and to look after his needs. Therefore, husband is unable to pay Rs.7,000/- per month towards maintenance of his ex-wife. Therefore, the impugned order is liable to be set aside.

6. Opposing the submission thus made, learned counsel who represents the wife states that husband was earning a sum of Rs.74,000/- by the date of his retirement. No material whatsoever was produced by the husband to show that wife has got her own source of income. Apart from salary, husband through agricultural land receives substantial amount. Therefore, there is no difficulty for the husband to pay the sum claimed towards



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maintenance. Learned counsel states that wife is aged around 50 years and the enhanced sum is not sufficient for her to maintain herself and therefore, necessary orders are required to be passed.

7. Wife produced sufficient proof to show that an extent of 23 guntas of land stands in the name husband. However, she failed to establish alleged earnings through said agricultural land. So far as earnings through occupation is concerned, there is no denial of the fact that in the month of January 2023 the gross salary of the husband is Rs.74,296/- and the take home salary is Rs.56,146/-. As rightly contended by learned counsel who represents the wife, a sum of Rs.4,000/- will no way be sufficient for the wife to maintain herself. However, the fact that husband retired from service and therefore, is required to maintain himself and his dependents only on the pension he receives is required to be taken into consideration. Family Court directed husband to pay wife a sum of Rs.7,000/- per month from the date of filing of



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Crl.Misc.No.13/2017 i.e., from 07.02.2017 till the lifetime of the wife. Said figure was arrived at by taking into consideration the salary of the husband. However, his retirement left him with only pensionary benefits and monthly pension he receives. So far as payment of maintenance till retirement is concerned, having considered the fact that husband was receiving a sum of Rs.56,146/- per month, this Court is of the view that he can be ordered to pay wife a sum of Rs.10,000/- per month till his retirement. From the date of retirement, husband can only be ordered to pay his wife a sum of Rs.6000/- per month, having regard to the fact that husband is under obligation to maintain the lady whom he married and the son adopted. Hence, both the revision petitions are disposed of with the following:

ORDER

- (i) Both the revision petitions are *allowed-in-part*.



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- (ii) The order that is rendered by the Court of Principal Judge, First Additional Family Court, Hassan in Crl.Misc.No.13/2017 dated 30.07.2024 is modified.
- (iii) Respondent in Crl.Misc.No.13/2017 i.e., Sri.A.L.Ravishankar is directed to pay the petitioner i.e., Smt.T.Latha a sum of Rs.10,000/- per month from 07.02.2017 till the date of retirement i.e., 30.05.2023.
- (iv) A sum of Rs.6,000/- per month shall be paid from 01.06.2023 till the lifetime of the petitioner i.e., Smt.T.Latha or until the order is modified by the competent Court.
- (v) All arrears shall be cleared within a period of 3 months.
- (vi) Amount if any paid till now shall be taken into consideration for calculating the arrears.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE