



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF APRIL, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

REV.PET FAMILY COURT NO. 266 OF 2024

BETWEEN:

SRI. LINGESH K.S.,
S/O SIDDAPPA,
AGED ABOUT 64 YEARS,
RETIRED GOVT. EMPLOYEE,
R/O NO.810/7, 2ND MAIN,
2ND CROSS, SHIVAKUMAR SWAMY
BADAVANE,
DAVANAGERE - 577 001.

...PETITIONER

(BY SRI. HAREESH BHANDARY T., ADVOCATE)

AND:

SMT. SUDHA,
W/O LINGESH K.S.,
AGED ABOUT 57 YEARS,
R/O NO.6TH CROSS,
SIDDAVEERAPPA BADAVANE,
DAVANAGERE - 577 001.

...RESPONDENT

(BY SRI. VEERESHA E., ADVOCATE)

THIS RPFC IS FILED UNDER SEC.19(4) OF THE FAMILY COURTS ACT., AGAINST THE ORDER DATED 23.10.2024 PASSED IN Cri. Misc NO.445/2023 ON THE FILE OF JUDGE, FAMILY COURT, DAVANAGERE., PARTLY ALLOWING THE PETITION FILED UNDER SEC.127 OF Cr.P.C., FOR MAINTENANCE.

Digitally signed
by
VIJAYALAKSHMI
B N



Location: HIGH
COURT OF
KARNATAKA



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

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

ORAL ORDER

The petitioner/husband is before this Court being aggrieved by the order dated 23.10.2024 passed in Crl.Misc.No.445/2023 by the Court of the Judge, Family Court, Davanagere.

Facts of the case:

2. The petitioner and the respondent are husband and wife. Their marriage was solemnized on 10.05.1984. Due to misunderstanding, the respondent/wife started living separately. The respondent filed the petition under Section 125 of Cr.P.C in Crl.Misc. No.178/2008 claiming maintenance from the petitioner and the Family Court allowed the petition by directing the petitioner to pay monthly maintenance of Rs.5,000/-. The respondent preferred revision petition in RPFC No.29/1010 and this



Court reduced the maintenance amount from Rs.5,000/- to 3,000/-. The respondent again filed Crl.Misc.No. 366/2017 before the trial Court seeking enhancement of maintenance. On 27.06.2018, the trial Court enhanced the amount to Rs.5,000/- per month. Again, the respondent filed Crl.Misc.No.445/2023 for enhancement of amount from Rs.5,000/- to Rs.25,000/-. The trial Court, after hearing the parties, partly allowed the petition on 23.10.2024 directing the petitioner to pay a sum of Rs.10,000/- per month. Being aggrieved by the same, the petitioner is before this Court.

3. Heard the learned counsel for the petitioner as well as the respondent.

4. Learned counsel for the petitioner submits that the petitioner is aged about 66 years and suffers from age related ailments, therefore, the petitioner is unable to pay the enhanced maintenance amount, as he supports solely through his pension. It is further submitted that the petitioner is paying monthly maintenance of Rs.5,000/-



per month to the respondent. As such, the learned counsel prays to allow the petition.

5. Learned counsel for the respondent justified the impugned order passed by the Family and submits that maintenance amount of Rs.5,000/-awarded by the Family Court was inadequate and the Family Court has rightly enhanced the maintenance amount. It is submitted that the petitioner has sufficient income to pay the maintenance. Therefore, the learned counsel for the respondent prays to dismiss the petition.

6. On perusing the records, it indicates that the petitioner is a retired Government employee. The Family Court observed that the respondent requires at least Rs.5,000/- per month towards monthly rent. The petitioner/husband has also admitted that the prices of essential commodities have increased. He receives a monthly pension of Rs.28,394/- in addition to agricultural income. This Court finds that the Family Court was justified in enhancing the maintenance to Rs.10,000/-. As



the impugned order requires no interference, the petition is hereby dismissed.

The petitioner is directed to pay the enhanced maintenance amount of Rs.10,000/- per month and also to pay arrears of maintenance.

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

UN
List No.: 1 Sl No.: 38