



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

REV.PET FAMILY COURT NO. 292 OF 2024

BETWEEN:

SRI B LOHITAPPA
S/O. Y. K. BASAPPA,
AGED ABOUT 62 YEARS,
EX-SERVICEMAN,
R/O. YARADANKALU VILLAGE,
LINGADAHALLI POST,
TARIKERE TALUK-577 129,
CHIKKAMAGALURU DISTRICT.

...PETITIONER

(BY SRI. V. B. SIDDARAMAIAH, ADVOCATE)

AND:

Digitally signed
by AASEEFA
PARVEEN
Location: HIGH
COURT OF
KARNATAKA

SMT. M. K. INDIRA,
W/O. B. LOHITAPPA,
AGED ABOUT 42 YEARS,
C/O. MALLIKARJUNAPPA,
R/O. KALLESHA STREET,
BASAVANAHLI-577 101,
CHIKKAMAGALURU.

...RESPONDENT

(BY SRI. G. NARAYANA RAO, ADVOCATE)

THIS RPFC FILED UNDER SEC.19(4) OF THE FAMILY
COURT ACT., AGAINST THE ORDER DATED 3.12.2024 PASSED
IN CRL. MISC NO.126/2023 ON THE FILE OF PRINCIPAL JUDGE,



FAMILY COURT, CHIKKAMAGALURU, PARTLY ALLOWING THE PETITION FILED UNDER SEC.127 OF Cr.P.C., FOR MAINTENANCE.

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.V.B.Siddaramaiah learned counsel for the petitioner as well as Sri.G.Narayana Rao learned counsel for the respondent.

2. Being aggrieved by the order passed by the Court of Principal Judge, Family Court, Chikkamagaluru in Crl.Misc.No.126/2023 dated 03.12.2024 respondent therein filed this revision petition.

3. As the status of the parties is not in dispute, they will hereinafter be referred to as husband and wife.

4. As per the material available on record, wife initially filed a petition for grant of maintenance.



Maintenance granted was subsequently enhanced to Rs.3,000/- per month through order dated 23.10.2018 in Crl.Misc.No.32/2016. Projecting that the sum awarded as maintenance through order dated 23.10.2018 is not sufficient to maintain herself and raising a contention that her husband is an ex-serviceman and he gets Rs.20,000/- per month towards service retirement benefit and apart from that, he is working as security guard at Bengaluru and earns more than Rs.30,000/- per month, that he owns a house and 2.5 acres of land, wife filed a petition i.e., Crl.Misc.No.126/2023 for further enhancement. Family Court, Chikkamagaluru through the impugned order enhanced the sum to Rs.8,000/- per month. Family Court also held that there shall be enhancement of 5% annually. Aggrieved by the same, husband is before this Court.

5. Learned counsel who represents the husband contends that parties to the proceedings gave birth to two female children. Due to disputes that arose between the parties, they are residing separately. Children are residing



with their mother. Children filed a suit for partition and the said suit was decreed. Final decree proceedings were initiated before the Court of Senior Civil Judge, Tarikeri by FDP No.1/2009 and 50% of the total extent of land was taken possession of by the wife on behalf of the children. Thus, land left at the occupation of his client is only 1.25 acres. Husband is not working anywhere and he is eking out his livelihood through the pension he receives. Bank statement produced before the Family Court clearly reveals that husband receives a sum of Rs.18,900/- per month towards pension. Out of the said amount, he has to maintain himself. He incurs huge expenditure for purchase of medicines. Therefore, he is unable to pay any maintenance whatsoever to the wife. However, he was regular in paying a sum of Rs.3,000/- per month as ordered by the Family Court. The Family Court, however, enhanced the sum from Rs.3,000/- to Rs.8,000/- which he cannot pay. Therefore, he preferred this revision petition.



Learned counsel thereby seeks to allow the revision petition and to set aside the impugned order.

6. On the other hand, learned counsel for the respondent submits that wife has no source of earnings whatsoever. A sum of Rs.3,000/- awarded by the Court initially is not sufficient for her to maintain herself. She has to pay house rent and she has to incur necessary expenditure for her livelihood. Therefore, considering her case, Family Court rightly enhanced the same from Rs.3,000/- to Rs.8,000/- and therefore, impugned order needs no interference.

7. There is no denial of the fact that the daughters of the parties filed a suit for partition and thereafter initiated final decree proceedings and got their share out of the property of their father i.e., revision petitioner herein. Also there is no denial of the fact that revision petitioner/husband gets a sum of Rs.18,900/- per month towards pension. Though respondent/wife contented that revision petitioner/husband works as security guard and



earns more than Rs.30,000/- per month, no proof to that effect is produced. Likewise, there is no material to show that revision petitioner/husband gets any income out of the land he possess. Therefore, the income of the revision petitioner is required to be considered as Rs.18,900/- per month only which he receives towards pension. Hence, this Court is of the view that it would be very difficult for the revision petitioner to pay a sum of Rs.8,000/- per month to the respondent towards maintenance. This Court is also of the view that in case the revision petitioner is directed to pay respondent a sum of Rs.6,000/- per month towards maintenance, it will meet the ends of justice. So far as enhancement of sum to an extent of 5% annually is concerned, this Court does not find any reasons to interfere. Therefore, revision petition is disposed of with the following:

ORDER

- (i) Revision petition is allowed in part.



- (ii) The order that is rendered by the Court of Principal Judge, Family Court, Chikkamagaluru in Crl.Misc.No.126/2022 dated 03.12.2024 is modified.
- (iii) The maintenance awarded to respondent/wife is enhanced from Rs.3,000/- per month to Rs.6,000/- per month till her lifetime or her re-marriage, whichever is earlier.
- (iii) There shall be enhancement of 5% of the awarded sum annually which applies from the date of the order of the Family Court.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

DS
CT:TSM
List No.: 1 Sl No.: 37