HC-KAR

NC: 2026:KHC:59965
RPFC No. 34 of 2025

CNR: KAHC010090602025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

REV.PET FAMILY COURT NO. 34 OF 2025

BETWEEN:

SRI. NARAYANA MURTHY H.G.,
S/O GIDDAIAH,
AGED 56 YEARS,
R/AT BEHIND ASHRAMASHALA ROAD,
AMBEDKAR NAGAR, H.N.PURA,
HASSAN - 573 201.

…PETITIONER

(BY SMT. AISHWARYA HEGDE M V., ADVOCATE)

AND:

1. SMT. ROOPA T,
   W/O. H.G. NARAYANAMURTHY,
   AGED ABOUT 43 YEARS,

2. KUMAR GNANAVI H.N.,
   D/O H.G.NARAYANAMURTHY,
   AGED ABOUT 7 YEARS,
   REPRESENTED BY HER
   NATURAL GUARDIAN
   SMT.ROOPA.T.

   BOTH ARE R/AT #1,
   SANTHE MARKET ROAD,
   A.K.COLONY,
   CHIKKAMAGALARU - 577 101.

…RESPONDENTS

(R1 IS SERVED; (R2 IS MINOR REPRESENTED BY R1))

Digitally signed by SUVARNA T
Location: HIGH COURT OF KARNATAKA

THIS RPFC IS FILED UNDER SEC.19(4) OF THE FAMILY COURTS ACT., AGAINST THE ORDER DATED 7.12.2024 PASSED IN Crl. Misc NO.134/2023 ON THE FILE OF PRINCIPAL JUDGE, FAMILY COURT, CHIKKAMAGALURU., PARTLY ALLOWING THE PETITION FILED UNDER SEC.125 OF Cr.P.C., FOR MAINTENANCE.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

Aggrieved by the order dated 07.12.2024 passed in Crl Misc.No.134/2023 on the file of the Principal Judge, Family Court, Chikkamagaluru, the husband/petitioner is before this Court.

2. The parties are referred to as husband and wife for the sake of convenience.

3. The respondent/wife herein sought maintenance of Rs.30,000/- per month from the petitioner-husband herein. The Family Court, by the impugned order, granted maintenance of Rs.8,000/- per month to the wife and Rs.4,000/- to the daughter. Aggrieved thereby, the husband is before this Court.

4. Learned counsel appearing for the petitioner submits that the petitioner is not employed. He is dependent on his

brother and parents for his livelihood, and an amount of Rs.12,000/- is on the higher side, which he is not in a position to pay. It is submitted that the Co-ordinate Bench of this Court had granted the interim order on the condition of deposit of Rs.7,500/- per month, i.e., Rs.5,000/- to the wife and Rs.2,500/- to the child, and as per the order passed by the Court, he has been continuously paying the amount. It is submitted that, considering the financial condition of the husband, the amount of maintenance may be reduced.

5. Having heard the counsel for the petitioner, perused the material record. While granting maintenance, the Family Court observed that, in view of the law laid down in the case of ***Bharath Hegde Vs. Saroja Hegde***[1]***,*** which was approved by the Hon'ble Supreme Court in ***Rajnesh Vs. Neha***[2], the Court has to resort to guesswork in estimating income when the sources of income are not disclosed. The parties appears to belong to a lower-middle-class family. The wife had claimed Rs.30,000/- per month as maintenance. According to her, the

[1] 2007 SCC Online Del 622

[2] (2021) 2 SCC 324

respondent is engaged in computer repair work at B.C.M Hostel and also does typing and printing work at his house, earning Rs.50,000/- per month and having the capacity to pay maintenance. The respondent has disputed his avocation but admits that he knows typing, which shows he is a skilled man. The wife has not produced any material evidence before the Court to prove the husband's income. Having regard to the husband's skill, the husband's income is notionally arrived at at Rs.25,000/- per month, and accordingly, the Court had granted Rs.12,000/-.

6. Though notice was served on the respondent, no vakalath was filed on behalf of the respondents.

7. Admittedly, both parties have not filed their respective statements of assets and liabilities. Learned counsel for the petitioner submits that the petitioner is unemployed. There is no material before the Family Court showing the husband's income, and the husband has not filed any documents. The wife has not contested this matter. Considering the submission of the learned counsel for the petitioner and the petitioner's financial status, the amount of maintenance is

reduced from Rs.8,000/- to Rs.5,000/- to the wife, and from Rs.4,000/- to Rs.3,000/- to the daughter. Accordingly, this Court is passing the following:

ORDER

i. The order impugned dated 07.12.2024 passed in Criminal Mis.No.134/2023 on the file of the Principal Judge, Family Court, Chikkamangaluru is ***modified.***

ii. The amount of maintenance payable by the husband is reduced from an amount of Rs.8,000/- to Rs.5,000/- per month to the wife and from an amount of Rs.4,000/- to Rs.3,000/- per month to the daughter.

iii. Accordingly, the RFPC is ***disposed of***.

iv. Pending IAs., if any, in the petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

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List No.: 2 Sl No.: 23
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