IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

REV.PET FAMILY COURT NO. 130 OF 2025

BETWEEN:

MR. MOHAMMAD MOEENUDDIN,
S/O. MOHAMMAD SULAIMAN ASHWAQ
AGED ABOUT 40 YEARS,
R/AT AKBAR MANZIL,
2ND MAIN OPP HOLSALA COLLEGE,
TANK MOHALLA,
SHIVAMOGGA - 577 201.

...PETITIONER

(BY SRI. B. PRADEEP, ADVOCATE FOR
SRI.LETHIF B., ADVOCATE)

AND:

1. Ms. SHIREEN ALIAS NAGMA
W/O. MOHAMMAD MOHINUDDIN
AGED ABOUT 28 YEARS,
R/AT PENSION MOHALLA
BAR LINE ROAD,
CHIKKAMAGALURU - 577 101.

2. KUM. FALAK NAAZ,
D/O. MOHAMMAD MOEENUDDIN
AGED ABOUT 6 YEARS,
R/AT PENSSION MOHALLA
BAR LINE ROAD,
CHIKKAMAGALURU - 577 101.
(SINCE MINOR,
REPRESENTED BY 1ST RESPONDENT)

...RESPONDENTS

(BY SRI. PRABHAKAR SHETTY S. K., ADVOCATE
FOR R1 (ABSENT);
R2- MINOR, REP. BY R1)

Digitally signed by AASEEFA PARVEEN
Location: HIGH COURT OF KARNATAKA

THIS RPFC FILED UNDER SEC.19(4) OF THE FAMILY COURTS ACT., AGAINST THE ORDER DATED 7.01.2025 PASSED IN Crl. MISC NO.23/2024 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, HAVING BEEN HEARD AND RESERVED FOR ORDERS ON ***13.10.2026***, COMING ON THIS DAY, PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

CAV ORDER

This revision petition is filed seeking the Court to set aside the order dated 07.01.2025 passed by the Court of Principal Judge, Family Court, Chikkamagaluru, in Crl.Misc.No.23/2024.

2. Wife and child who are the respondents herein filed a petition under Section 125 Cr.P.C. against the petitioner herein claiming maintenance of Rs.25,000/- per month. Family Court by subjecting the evidence of PW1 and Exs.P1 to P18 to scrutiny directed petitioner to pay respondent No.1/wife a sum of Rs.8,000/- and respondent

No.2/daughter a sum of Rs.4,000/- per month towards their maintenance.

3. Heard Sri.B.Pradeep, who represented Sri.Lethif B., learned counsel on record with the petitioner. Though sufficient opportunities were granted to the respondents to make their submission on the merits of the matter, they failed to represent.

4. This revision petition is filed mainly on the ground that the defence of the revision petitioner was struck down and he was not permitted to lead evidence by the Family Court as submitted by learned counsel for the petitioner. Learned counsel for the petitioner also contended that in the domestic violence case filed by respondent No.1/wife, a direction was issued to the petitioner to pay her a sum of Rs.6,000/- per month. Through the impugned order Family Court directed petitioner to pay wife a sum of Rs.8,000/- per month and the child a sum of Rs.4,000/- per month. Thus, the petitioner is under obligation to pay total sum of

Rs.18,000/- per month. Financial position of the petitioner does not permit to pay such huge amount. Learned counsel also submitted that given an opportunity, the petitioner will file his statement of assets and liabilities and will also adduce evidence. Learned counsel thereby sought to remand the matter to the Family Court.

5. The certified copy of proceeding sheets reveals that Family Court directed both parties to submit their affidavits of disclosure of assets and liabilities through order dated 18.09.2024. The matter was adjourned from 30.09.2024 to 05.10.2024, thereafter to 10.10.2024, then to 25.10.2024 and 08.11.2024. On 08.11.2024 respondent No.1/Petitioner No.1 filed her bank account statement as well as the affidavit disclosing assets and liabilities. Petitioner/respondent did not chose to file his affidavit. Therefore, the matter was adjourned to 16.11.2024. Even on 16.11.2024, petitioner did not file. Thereafter, the case was adjourned to 02.12.2024, 10.12.2024, 16.12.2024, 21.12.2024 and finally to 26.12.2024. Despite granting such number of opportunities, the petitioner/respondent

has not chosen to file his affidavit disclosing his assets and liabilities. Also Petitioner/respondent failed to cross examine PW1. Therefore, the defence of the petitioner/respondent was struck down. No reasonable ground is stated as to why the petitioner/respondent could not file his statement of assets and liabilities as mandated by the Apex Court through the judgment in the case of *Rajnesh Vs. Neha and Another* reported in *(2021) 2 SCC 324.*

6. Another ground urged is that in the domestic violence case the petitioner was directed to pay respondent No.1 a sum of Rs.6,000/- per month towards maintenance and the sum ordered to be paid through the impugned order is in addition to the sum which the petitioner is liable to pay through the orders in domestic violence case. However, the impugned order reveals that the Family Court has taken care of that aspect also. At para 16 of the impugned order following observation is made.

> "*To avoid divergent view in respect of grant of maintenance, at this stage itself it shall be made it clear that, the petitioners shall not press the relief of claim maintenance in the earlier petition filed by them in Crl.Mis.147/2019 on the file of learned II Additional Civil Judge and J.M.F.C., Shivamogga.*"

7. Also in the operative portion of the order a direction was issued to the respondents herein to not press the relief of maintenance in the petition filed by respondent No.1 in Crl.Misc.No.147/2019 which is pending before the Court of II Additional Civil Judge, Shivamogga. Thus, the petitioner is under liability to pay maintenance as directed in the impugned order. Further, as the negligence on part of the petitioner in pursuing the case is borne by record, he cannot now seek to set aside the impugned order and to remand the matter back to the Family Court for fresh consideration. Therefore, this Court is of the view that there are no grounds to grant the relief sought for.

8. Resultantly, the following:

ORDER

The revision petition is dismissed.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

AP
CT:TSM