IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 06TH DAY OF NOVEMBER , 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

REV.PET FAMILY COURT NO. 258 OF 2024

BETWEEN:

MR. MOHAMED,
S/O GOWS MOHAMADEEN,
AGED ABOUT 29 YEARS,
R/O DOOR NO. 739, 4TH CROSS,
MG ROAD, UDAYAGIRI,
MYSURU - 570 019.

...PETITIONER

(BY SRI. PREREET JAIN B., ADVOCATE)

AND:

1. MRS. BI BI AYESHA,
   W/O MOHAMED,
   D/O KHALEEL AHMED,
   AGED ABOUT 27 YEARS,

2. MASTER MOHAMMED ZOAHN
   S/O MOHAMED,
   AGED ABOUT 04 YEARS,
   (RESPONDENT NO 2 IS A MINOR,
   REPRESENTED BY HIS MOTHER
   AND GUARDIAN - RESPONDENT NO. 1)

   BOTH THE RESPONDENTS ARE
   R/O NO. 602, 1ST FLOOR,
   OPPOSITE R K WELLNESS CARE,
   NIMRHA MASJID, MAIN ROAD,
   1ST STAGE, RAJEEV NAGARA,
   MYSURU - 570 019.

...RESPONDENTS

(BY SRI. NAMAN VANKDARI M., ADVOCATE)

Digitally signed by AASEEFA PARVEEN
Location: HIGH COURT OF KARNATAKA

THIS RPFC FILED UNDER SEC.19(4) OF THE FAMILY COURT ACT., AGAINST THE JUDGMENT DATED 09.10.2024 PASSED IN Crl.Misc NO.1114/2022 ON THE FILE OF THE II ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, MYSURU, PARTLY ALLOWING THE PETITION FILED UNDER SEC.125 OF CR.P.C., FOR MAINTENANCE.

THIS PETITION, HAVING BEEN HEARD AND RESERVED FOR ORDERS ON ***16.10.2026***, COMING ON THIS DAY, PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

CAV ORDER

This revision petition is the outcome of the order that is passed by the Court of II Additional Principal Judge, Family Court, Mysore in Crl.Misc.No.1114/2022 dated 09.10.2024.

2. Respondent Nos.1 and 2 herein filed a petition invoking Section 125 Cr.P.C. against the revision petitioner seeking the Court to direct revision petitioner to pay them a sum of Rs.50,000/- per month towards maintenance. Family Court, through the impugned order, directed revision petitioner to pay respondent No.1 a sum of Rs.10,000/- and respondent No.2 a sum of Rs.7,500/- per month towards their maintenance. Aggrieved by the liability thus imposed, this revision petition is filed.

3. The version of respondents as borne by record is that the revision petitioner married respondent No.1 and the lawful wedlock resulted in birth of respondent No.2. Revision petitioner demanded additional dowry, subjected respondent No.1 to mental cruelty and body shaming. Finally, she was driven out from the matrimonial home. Revision petitioner is having his own business, earns lakhs of rupees and possesses properties, worth crores of rupees. As he has totally neglected to maintain them, they came before the Court seeking maintenance.

4. The version of the revision petitioner, on the other hand, is that himself and respondent No.1 lived happily for 8 to 10 months. Respondent No.1 was always engaged in conversing over mobile and texting. He came to know that respondent No.1 is having illicit relationship with students of Yemenis Country and she herself confessed said fact. Though respondent No.1 received Rs.2,00,000/- to give khula later she declined. Respondent No.1 is a B'com graduate, is working in a private

organisation and thus, she is not entitled for any maintenance.

5. Family Court, subjecting the evidence of PW1, RW1, Exs.P1 to P17 and Exs.R1 to R22 to scrutiny came to a conclusion that liability vests upon the revision petitioner to maintain the respondents herein.

6. Heard Sri.Prereet Jain.B learned counsel for the revision petitioner as well as Sri.Namam Vankdari.M learned counsel for the respondents.

7. Arguing the matter, learned counsel for revision petitioner submitted that this revision petition is filed mainly disputing the quantum of maintenance and the quantum fixed by the Family Court is exorbitant. Learned counsel contended that respondent No.1 is an educated woman and thus, she is capable of earning and maintaining herself. The version of respondent No.1 that the revision petitioner is doing business, is false and indeed the revision petitioner is maintaining himself by doing coolie work. Learned counsel also stated that after

dissolution of marriage with respondent No.1, revision petitioner married another lady and begot a child. Therefore, liability vests upon revision petitioner to lookafter his subsequently married wife and child born through that marriage. Learned counsel also contended that the revision petitioner has to clear the debts and there is heavy demand from the Banks from which he obtained loans. Family Court has failed to appreciate and consider the fact that the revision petitioner is in financial distress. Learned counsel thereby sought to set aside the impugned order.

8. Per contra, learned counsel for respondents submitted that it is the liability of the revision petitioner to maintain the respondents. The revision petitioner is running a cycle shop and a tubes shop under the name and style "JMS Tubes" and thus, he has got good financial capacity to maintain the respondents. Learned counsel also stated that to defeat the claim of respondents, petitioner obtained a coolie card by fraudulent means and indeed there is no necessity for him to attend coolie work

and infact he never attended such coolie work. Learned counsel thereby sought to dismiss the revision petition.

9. By the evidence produced it is abundantly clear that the business establishment stands in the name of the parents of revision petitioner. Respondents failed to establish the actual occupation and earnings of the revision petitioner. Equally, revision petitioner failed to establish that respondent No.1 is an earning person and that she can eke out her livelihood through those earnings. So far as respondent No.2 is concerned, the revision petitioner being the biological father of respondent No.2 who is a minor, liability vests upon him to maintain respondent No.2. The fact that revision petitioner married another lady and begot a child through her is not a defence which can be considered to hold that he is not liable to maintain the respondents herein. However, taking into consideration the fact that the respondents failed in their attempt to establish the financial status of the revision petitioner and that he holds huge property as contended by them and earns, this Court is of the view

that the amount fixed towards maintenance is on higher side. It would be justifiable if the revision petitioner is ordered to pay respondent No.1 a sum of Rs.7,500/- per month and the respondent No.2 a sum of Rs.5,000 per month towards their maintenance. Therefore, the revision petition is disposed of with the following:

ORDER

i. The revision petition is allowed in part.

ii. The order that is rendered by the Court of II Additional Principal Judge, Family Court, Mysore in Crl.Misc.No.1114/2022 dated 09.10.2024, is modified.

iii. Revision petitioner/respondent is directed to pay respondent No.1/petitioner No.1 a sum of Rs.7,500/- per month and respondent No.2/ petitioner No.2 a sum of Rs.5,000/- per month towards their maintenance.

iv. All other directions issued through the impugned order are valid and shall remain in force.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

DS/CT:TSM