

KABD300036522023



**IN THE COURT OF THE SENIOR CIVIL JUDGE & J.M.F.C.
AT; BASAVAKALYAN.**

Present:- Sri.B.CHENNAPPA B.COM., LL.B., (SPL)
Senior Civil Judge & J.M.F.C. Basavakalyan

Dated this, the 13th day of August-2025.

Criminal Miscellaneous No.662/2025.

- PETITIONERS :**
1. Smt.Nagini W/o Hanmanth Hotte,
Age: 30 years, Occ: Household,
R/o Savargaon(P) village, now at
Rajeshwar village, Tq: Basavakalyan.
 2. Vignesh S/o Hanmant Hotte,
Age: 11 months, minor under guardian of
his real mother of petitioner No.1.
(By Smt.Annapurna.D.S., Advocate)

-Versus-

RESPONDENT : Hanmanth S/o Shivashankar Hotte,
Age: 33 years, Occ: Advocate & Business,
R/o near Mahadev Mandir, Savargaon(P) village,
Tq: Muked village, Dist: Nanded (MS)-431715.
(By Sri. S.Sanjeevreddy, Advocate)

:: O R D E R O N I.A.NO.1 ::

1. Petitioners being wife and son of respondent have filed the petition U/Sec.125 of Cr.P.C., seeking maintenance of Rs.20,000/- to the petitioner No.1 and Rs.10,000/- to the petitioner No.2, per month from the date of petition.
2. Respondent has appeared and contested the petition by filing his counter.
3. Along with the main petition, petitioners have filed IA No.1, seeking interim maintenance of Rs.10,000/- per month to each petitioners from the date of petition to till disposal of the main petition. To the said application, respondent has filed a memo adopting the contents of the counter filed to the main petition as counter to IA No.I.
4. It is stated in the petition that, the petitioner No.1 is the legally wedded wife of respondent. Petitioner No.2 is the son of petitioner No.1 and the respondent. The marriage of petitioner No.1 with the respondent was solemnized on 21.11.2021 at Rajeshwar village of Basavakalyan taluk. Thereafter, said

marriage was consummated. On 27.12.2022, petitioner No.1 gave birth to petitioner No.2. At the time of marriage, the parents of the petitioner No.1 gave Rs.1,00,000/- cash, 04 tola gold and household utensils to the respondent. The petitioner No.1 and the respondent led happy marital life only for a period of few days. Thereafter, respondent started to ill treat the petitioner No.1 saying that, he married her only on the say of his mother and therefore he does not like the petitioner No.1. Thereby, respondent started to give mental and physical torture to the petitioner No.1. He was also scolding the petitioner No.1 stating that she is not beautiful and suitable for him. Therefore, he does not want to continue his relationship with the petitioner No.1. Besides, the in-laws of the petitioner No.1 also started to torturing the petitioner No.1 by scolding her in filthy language and not providing proper food. However, the petitioner No.1, hoping for the better future, had stayed in her matrimonial home by tolerating all the harassments given by the respondent and his parents.

Apart from this, respondent has also addicted to the bad vices like drinking alcohol, womanizing. Respondent, by consuming alcohol, use to assault the petitioner No.1. When the parents of the petitioner No.1 questioned the respondent and his parents regarding the ill treatment given to the petitioner No.1, at that time, they had stated that the parents of the petitioner No.1 not performed the marriage as per the status of respondent by giving sufficient gifts. When the petitioner No.1 was pregnant, at that time, respondent tried to cause miscarriage, as he does not want any child from the petitioner No.1. In the month of August 2022, when the parents of the petitioner No.1 went to the house of respondent to question him about ill treatment given by him and his parents at that time respondent and his family members by scolding the petitioner No.1 and her parents had driven out the petitioner No.1 from her matrimonial home. Therefore, petitioner No.1, without other go, returned to her natal home and thereby staying with her parents at Rajeshwar. On several occasions,

petitioner No.1 and her parents tried to contact the respondent and his family members for resolving the dispute and to take back the petitioners to their home. However, respondent and his family members did not turn up. After birth of petitioner No.2, it was informed to the respondent. But, till the date, neither the respondent nor his family members came to the house of parents of petition No.1 to see the petitioner No.2. One Subhangi used to call the petitioner No.1 and give the mental torture to the petitioner No.1. Said Subhangi is the kept mistress of respondent. She is threatening the petitioner No.1 not to come back to her matrimonial home. Considering the measurable condition of the petitioner No.1, her father died recently due to heart attack. Therefore, there is no income for the petitioner No.1 for her livelihood. The respondent is a practicing advocate. He is earning handsome money from his profession. Besides, he is also running a computer institute in the name style as MACIT at Jalkot. Thereby, he is earning Rs.1,00,000/- per month.

Respondent has also got 07 acres of landed property, house and plot at Savargaon (P) village. Therefore, he has got sufficient means to maintain the petitioners. Despite, respondent has not made any arrangement for the maintenance of the petitioners. Petitioner is not doing any work. She is also taking care of her child. Therefore, she has no income of her own. Thus, petitioners are fully depending on the maintenance amount to be paid by the respondent. Accordingly, it is prayed to allow the application.

5. The respondent filed his objections by denying the averments made in the petition. Furthermore, it is contended that, the respondent No.1 is a junior advocate practicing last one year. He has no sufficient income as stated in the petition. The respondent is not running any computer institute and thereby he is not earning Rs.1,00,000/- per month as alleged in the petition. There is no income from the agricultural lands. Respondent has no plots as alleged in the petition. Respondent hardly earning Rs.5,000/- to 7,000/- per month from his legal

profession. The respondent is ready to lead marital life with the petitioner No.1 and ready to maintain the petitioner No.2 by providing food, shelter etc.,... On the contrary, the petitioner No.1 is not ready to join the company of respondent. The petitioner is well educated woman. She is serving in a private school as a teacher. Besides, she is doing tailoring work and thereby she is maintaining herself out of said income. She has income of Rs.30,000/- per month from all the sources. Therefore, petitioner No.1 is not require any maintenance amount from the respondent. Therefore, it is payed for dismissal of the application.

6. Both parties have submitted their statements of assets and liabilities.

7. I have heard on IA No.I for petitioners and the respondent. Perused the material on record. The following point point arises for consideration.

:: POINT FOR CONSIDERATION ::

Point:- Whether the petitioners have made out grounds for granting interim maintenance as prayed in IA No.I.?

8. My answer to the above point is in the partly affirmative, for the following:

:: R E A S O N S ::

9. Petitioners have filed the petition U/Sec.125 of Cr.P.C, seeking maintenance of Rs.20,000/- to the petitioner No.1 and Rs.10,000/- to the petitioner No.2, per month, from the date of petition. Along with the main petition, petitioners have filed I.A.No.1, seeking interim maintenance of Rs.10,000/- per month to each petitioners from the date of petition to till disposal of the main petition. The respondent has appeared and contested the petition by filing his counter. Respondent has also filed a memo adopting the contents of the counter

filed to the main petition as counter to IA No.I. Considering the averments made in the petition as well as counter, the relationship of parties to the petition is not in dispute. It is also admitted that, the respondent is an advocate by profession. It is also admitted that, now the petitioners are residing away from the respondent. It is also admitted that, the respondent has not made any arrangement for the maintenance of the petitioners. Specific allegations of physical and mental harassment by the respondent and his parents are made in the petition. It is also alleged that, the respondent has addicted to bad vices like consuming alcohol, womanizing. It is also alleged that, the respondent has illicit relationship with one Shubhangi. The respondent has denied the said allegations. Considering the said rival contentions, to come to conclusion that the allegations made in the petition are proved or disproved, trial is required. Though the petitioner has stated that, the respondent besides doing legal profession, is also running a computer institute and thereby he has got

sufficient income from the said institute, but to prove the same, at this stage, no prima facie material is produced. At the same time, at this stage, there is no prima facie material to show that the petitioner No.1 is working as a teacher in a private school and also doing a tailoring work and thereby she has got sufficient means to maintain herself and the petitioner No.2. Therefore, petitioners are in need of money for their livelihood. Thus, considering the material on record, at this stage, I am of the view that, if an amount of Rs.5,000/- and Rs.2,000/- each respectively is granted towards interim maintenance of petitioners, it would meet the ends of justice. Accordingly, I answer above point partly in the affirmative, consequently, I proceed to pass the following....

::ORDER::

I.A.No.1 filed by the petitioners seeking interim maintenance pendent lite is allowed in part as under:

The respondent is hereby directed to pay Rs.5,000/- and Rs.2,000/- each to the

petitioners respectively as an interim maintenance from the date of petition to till the disposal of main petition.

(Dictated to the stenographer, typed by him, corrected and signed by me, then pronounced in the open court on this 13st day of August- 2025)

(B.CHENNAPPA)

Senior Civil Judge and JMFC,
Basavakalyan.