



IN THE COURT OF CIVIL JUDGE AND JMFC, KITTUR

PRESENT : Smt. Farha Begum Sayed,
B.A, LL.B,
Civil Judge & JMFC, Kittur

Dated this day of 29th September 2025

Crl. Misc. No.173/2024

1. Smt. Sharada W/o Kallappa Mannappanavar,
Age: 35 Years, Occ: Household work,
R/o: Hunashikatti,
Tq: Ch. Kittur, Dist: Belagavi.
2. Kumar. Mrunal S/o Kallappa Mannappanavar
Age: 05 years, Occ: Nil,
R/o Hunashikatti, Tq: Kittur,
Dist: Belagavi.
(Since minor R/by his mother petitioner No.1)

.....Petitioners

(By Shri. B.K. Savadatti, Advocate)

V/s.

1. Shri. Kallappa S/o Irappa Mannappanavar,
Age: 38 years, Occ: Business,
R/o: Hunashikatti, Tq: Kittur,
Dist: Belagavi.

.....Respondent

(By Shri. M.S. Sanikoppa, Advocate)



**ORDER ON THE APPLICATION FILED BY THE
PETITIONERS U/SEC.144(2) of BNSS**

That the petitioners have filed this application against the respondent praying to award the maintenance amount of Rs.10,000/- per month each for both the petitioners from the date of the petition.

2. Brief facts of the case of the petitioners is as follows:-

The petitioner is the legally wedded wife of respondent, as their wedding was solemnized on 04.04.2016 at Shree Rudraswami Devasthan Hale Math Hunashikatti as per customs and rites prevailing in their community. The petitioner went to the house of respondent and led happy marital life only for 02 years and further, in the year 2018 the respondent has made separate house and there also petitioner and respondent live happily only for one year and out of their wedlock petitioner No.2 Mrunal has born. The respondent did not bear the medical expenses of petitioner No.1 and did not taken her to hospital and even he did not came to see petitioner No.2. After 5 months elders of village convinced respondent and respondent and petitioner live happily only for 5-6 months and again respondent



started quelling with petitioner No.1 and the respondent started harassing petitioner No.1 by physically and mentally and abused her in filthy language. The petitioner No.1 tolerated these tortures with a hope that on one or the other day the respondent will correct himself. That on 14th October 2022 the respondent assaulted petitioner No.1 and thrown out her from his house hence, petitioner No.1 filed compliant before Kittur PS. Further, petitioner No.1 is residing in her parental house.

The respondent is having grocery shop and getting income of Rs.50,000/- per month and has FD at Bank of Baroda of Rs.6,00,000/- also doing business of fisheries and has sufficient source of income to maintain petitioners.

The respondent has neglected petitioners. The respondent has not made any financial assistance. Hence, petitioners prays for interim monthly maintenance of Rs.10,000/- per month each for both petitioners.

3. The respondent has filed objections to the IA.



The brief contentions of the respondent are as follows:-

That the respondent has contended that the application filed by the petitioners is false, frivolous, baseless and averments are neither tenable in law or on facts. The respondent has submitted that petitioner by heeding her parents words has filed this petition.

The respondent contended that in order harass respondent and his mother petitioner has filed this petition. The respondent states to petitioner that “ ನಾನು ಚಿಕ್ಕವನಿರುವಾಗಲೇ ನನ್ನ ತಂದೆ ತೀರಿಕೊಂಡಿದ್ದರಿಂದ ನನ್ನ ತಾಯಿಯು ಬಹಳಷ್ಟು ಕಷ್ಟಪಟ್ಟು ನನ್ನನ್ನು ಸಾಕಿ ಸಲಹಿರುತ್ತಾಳೆ ಈಗ ಅವಳಿಗೆ ವಯಸ್ಸಾಗಿದ್ದು ಚೆನ್ನಾಗಿ ನೋಡಿಕೊಳ್ಳುವ ಜವಾಬ್ದಾರಿ ಮಗನಾಗಿ ನನ್ನದು ಇರುತ್ತದೆ ಈ ಸಂದರ್ಭದಲ್ಲಿ ನನ್ನ ತಾಯಿಯನ್ನು ಒಂಟಿಯಾಗಿ ಬಿಟ್ಟು ನಿಮ್ಮನ್ನು ಕರೆದುಕೊಂಡು ಬೇರೆ ಮನೆ ಮಾಡಲು ಆಗುವುದಿಲ್ಲ” for that reason petitioner has filed false complaint against the respondent at Kittur Police Station.

It is submitted that petitioner No.1 was completed B.Sc. Nursing and working in Janashree Clinic and getting income of Rs.60,000/- to 70,000/- per month and also getting FPA of Rs.7,500/- per month and got Rs.6,00,000/- from Fisheries. That at the time of their wedding respondent has given 20 tola gold and said gold was also with petitioner No.1 and further petitioner No.1 has constructing house at Hunashikatti village and



petitioner No.1 is having Rs.1,00,000/- as her monthly income.

It is submitted that respondent is running company i.e., Malaprabha Valley Fish Farmers Producers Company Ltd. Hunashikatti and respondent is working Director without any salary and brother of petitioner No.1 is working as C.E.O and getting salary of Rs.23,000/- and petitioner No.1 is working as D.E.O and getting salary of Rs.7,500/-.

Further, the grocery shop is belongs to respondent's brother's wife (Widow) and the getting income of Rs.10,000/- to Rs.12,000/- per month and their family is dependent on income of this shop. Hence, prays to set aside the order of granting interim maintenance.

4. Heard the learned counsel for petitioner and respondent and perused all the available materials on record.

5. In order to decide this application, the following points arise for the consideration of this Court:-



POINTS

1. Whether the petitioners proves that, the respondent though having sufficient means has refused/neglected to maintain them?
 2. Whether the petitioners are entitled to the interim relief as sought for?
 3. What order?
- 6.** Having done so, this Court's answer to the above points are as hereunder:-

- Point No.1 : Partly in the affirmative
- Point No.2 : Partly in the affirmative
- Point No.3 : As per final order for the following;

:: REASONS ::

- 7. Points No.1 & 2:** Since these points are interconnected to each other, in order to avoid the repetition of facts, findings and evidence they are taken up together for common discussion at one stretch.
- 8.** The petitioner No.1 contends that the respondent is her husband and their wedding was solemnized on



04.04.2016 at Shree Rudraswami Devasthan Hale Math Hunashikatti as per customs and rites prevailing in their community. The petitioner No.1 went to the house of respondent and led happy marital life only for 02 years and out of their wedlock petitioner No.2 Mrunal has born.

9. That the respondent started to harass the petitioner No.1 mentally and physically and finally thrown her out from the his house. Since then the petitioners are residing separately and they have no means of livelihood.

10. The respondent has denied entire allegations made by the petitioners. The respondent admitted the relationship with petitioners.

11. The petitioner No.1 in order to prove her contentions has filed the wedding invitation card.

12. The respondent has not denied the relationship with petitioners. But respondent has contended that the petitioner No.1 herself left the company of respondent.

13. Hence, as per above submissions and also as per the submission made by the counsel for parties the relationship between petitioners and respondent is not disputed and respondent has himself admitted that the petitioners are residing separately. The petitioner No.1



has alleged that due to the harassment by the respondent she is not able to lead peaceful life.

14. Hence, this shows that the petitioners are residing separately. This fact also goes to show that respondent is not looking after the well being of petitioner No.1 and 2. That respondent has willfully neglected them. Hence, it is clear that petitioners are in need of maintenance for their basic needs. Hence, in view of the facts & circumstances it is clear that the petitioners are residing separately and respondent has failed to provide any maintenance to the petitioners and thereby neglected the petitioners.

15. The petitioners have claimed Rs.10,000/- per month each for their maintenance. But at this stage the income of respondent cannot be ascertained and it needs full fledged trial. However, being the husband of petitioner No.1 and father of petitioner No.2 it is the responsibility of respondent to look after the maintenance of petitioners. Hence, the petitioners are entitled for interim maintenance till the final disposal of the case.

16. Hence, this Court is of the considered opinion that if Rs.8,000/- per month collectively to the petitioners is awarded as a maintenance, it will sub serve the justice.



Hence, **Points No.1 & 2 are answered partly in the affirmative.**

17. Point No.3:- For the above reasons and findings proceed to pass the following:-

::ORDER::

The application filed U/Sec.144(2) of BNSS, is hereby partly allowed.

The respondent is hereby directed to pay monthly maintenance of Rs.8,000/- (Eight thousand only) collectively per month to the petitioners from the date of filing of this petition until further order of this Court.

(Dictated to the Stenographer directly on computer, corrected, initialed by me and then pronounced in the Open Court on this 29th day of September 2025)

(Smt. Farha Begum Sayed)
**Civil Judge and JMFC,
Kittur**