

IN THE COURT OF CIVIL JUDGE AND JMFC, SANDUR

PRESENT

Sri. MD. SHAIZ CHOUTHAI,

B.A.,LL.B.(Hons.), LL.M.

Civil Judge & JMFC, Sandur.

Crl.Misc. No.830/2025

Dated this the 16th day of March, 2026

Petitioner/s : Ranjitha W/o Kotresh. K,
Aged about 30 years,
Occ: Household,
R/o Kakkuppi village,
Kudligi Taluk, Vijayanagara District,
Now R/o Choranur village,
Sandur Taluk, Ballari District.

(By Sri. S.P., Advocate)

V/s

Respondent/s: Kotresh. K s/o Late Thippeswamy,
Aged about 35 years,
Occ: KEB lineman,
R/o Kakkuppi village,
Kudligi Taluk, Vijayanagara District,
Now R/o 8th ward, Holagundi road,
Sogi Circle, Renukanagar,
Hovina Hadagali town,
Vijayanagara District.

(By Sri. L.C.M., Advocate)

IA. No.1

Applicant : Ranjitha W/o Kotresh. K
(Petitioner)

V/s

Opponent : Kotresh. K S/o Late Thippeswamy
(Respondent)

ORDER ON I.A.NO.I FILED UNDER SEC. 144 OF B.N.S.S. 2023

1) The instant application is filed by petitioner against her husband/respondent and sought interim maintenance of Rs.20,000/- in her favour.

2) The petitioner is the legally wedded wife of respondent. Their marriage is solemnized on 10.02.2022 in front of the house of respondent in Kakkuppi village of Kudligi Taluk as per the rites and customs prevailing in their community. The marriage of petitioner and respondent is still subsisting and has not dissolved by any court of law.

3) After the marriage, the petitioner led marital life with respondent happily for about 2 months, thereafter, the respondent started giving mental and physical torture by insisting to bring cash and gold from her parental house in the form of dowry. The respondent assaulted the petitioner mercilessly on several occasions at the instigation of his parents and other family members. It is further alleged that respondent used to abuse her in vulgar language. The respondent used to send her to her parental house to bring cash and gold whereas the parents of the petitioner are very poor and not in a position to fulfill illegal demands made by the respondent. The petitioner again went to the house of respondent to lead marital life but the respondent again started ill-treating the petitioner and insisted her to bring cash and gold from her parental house. The respondent did not change his attitude and behavior in spite of advise given by the elders. On 12.06.2024, the respondent again sent the petitioner to her parental house to fulfill the dowry demands, even after requesting, the respondent denied to take petitioner back to the

matrimonial house. Thereby the respondent has totally neglected to provide food, shelter etc. The petitioner is forced to reside with her parents. Her parents are poor and not in a position to meet the illegal demands made by the respondent.

4) The respondent is Government employee working as KEB Lineman and getting monthly salary of Rs.70,000/-. In spite of this, the respondent fails to provide basic necessities like food and shelter. The respondent is under legal obligation to maintain the petitioner. As such, the petitioner is seeking monthly interim maintenance of Rs.20,000/- towards her basic necessities like food, shelter and medical expenditure. On these grounds, she prays to grant an interim maintenance as sought.

5) After the issuance of notice, the respondent appeared through his learned counsel and filed objections to the main petition. He filed memo to consider the objections to the petition as also objections to interim application. Both the petitioner and respondent have filed their affidavit in *lieu* of assets and liabilities.

6) The respondent admitted the relationship as stated in the petition. He denied the entire allegations of physical and mental harassment and also demanding of dowry in the form of cash and gold. The respondent denied the allegations that he used to assault the petitioner and thereby neglected to provide basic necessities as alleged in the petition.

7) According to respondent, after the marriage, the petitioner joined his company to fulfill conjugal rights. The mother of respondent is the only one who is residing with the petitioner and respondent. The mother of respondent is T.B. patient suffering from asthma. The respondent needs to look after his mother. The respondent has two sisters who are married and living in their husbands' house. According to respondent, petitioner is none other than the daughter of his sister. Since the respondent is KEB employee, his sister forced him to marry her daughter, hence the respondent married the petitioner. It is alleged by the respondent that after 2 months of the marriage, she started to quarrel with the respondent and forced him to make

separate residence. The respondent on many occasions advised the petitioner and brought to her knowledge that he is the only person to look after his mother but the petitioner use to torture him with a demand to make separate residence. When the respondent did not heed to the demand made by the petitioner, she started to live with her parents. Till today the respondent is having love and affection towards the petitioner and undertake to look after her.

8) According to respondent, he is lineman working in KEB and drawing salary of Rs.57,578/- per month. Out of the said income, he has to maintain his family, bare house rent and medical expenses of his mother. As such, he is not in a position to pay monthly maintenance of Rs.20,000/- to the petitioner. On the other hand, the petitioner is doing tailoring work and earning Rs.10,000/- per month and thereby she is able to maintain herself. Amongst other grounds, he prays to dismiss the application.

9) Heard the learned counsel for the petitioner and respondent. Perused the materials on record and assets and liabilities of both the parties.

10) The petitioner has filed the documents in support of her case. On perusal of the same it *prima-facie* indicate that the petitioner is legally wedded wife of respondent. The relationship of petitioner with respondent went unchallenged.

11) The petitioner has made grave allegations against respondent. She alleged physical and mental cruelty at the hands of respondent by demanding her to bring cash and gold from her parental house. She alleged that she has been neglected by the respondent in providing food, shelter and other basic necessities.

12) On the contrary the respondent has denied all the allegations of mental and physical torture and demand of dowry in the form of cash and gold. The allegations made by the petitioner has to pass through the test of trial. At this stage, there

are no cogent reasons forthcoming to say that the petitioner has made false allegations against the respondent.

13) The petitioner has filed assets and liabilities, wherein she has contended that respondent is working as KEB lineman and drawing salary of Rs.70,000/- per month. On the other hand, the respondent in his assets and liabilities has concede that he is working as a lineman but according to him his gross salary is Rs.74,403/- and getting net salary of Rs.57,578/- per month. The respondent submits that the petitioner is doing tailoring work and getting income of Rs.10,000/- per month, the same has been stated in his affidavit. The petitioner has denied that she is earning and getting income of Rs.10,000/- per month as alleged by the respondent. At this stage there is nothing on record to show that petitioner has income of Rs.10,000/- by doing tailoring work. There are no other information provided by the petitioner in her assets and liabilities to show that the respondent has got income from other sources except from the salary. The residential house at Choranur is not fetching any rent. However, when the

respondent is hale and healthy and able to earn livelihood, he is bound to maintain the petitioner. The petitioner at this stage *prima-facie* has shown reasons to stay away from the respondent. Therefore, having regard to the object of Sec.144 of B.N.S.S, one cannot escape from the liability to maintain his wife. The presumption is that, the able bodied healthy person is possessed with sufficient means, and it is for him to show that he is not capable of earning anything. In the instant case the respondent did not show that he is not able bodied admitting that he is a salary employee. It is bounden duty of respondent to maintain his wife. Therefore, the petitioner is entitled to be provided with maintenance by the respondent in her favour, though not to the tune as claimed by petitioner. The petitioner further not denied that mother the respondent is suffering from tuberculosis and asthma. The respondent has to bear the medical expenditure of his mother.

14) Having regard to the standard of living that the petitioner was said to be accustomed to live in her matrimonial

home. This Court while considering the medical expenditure i.e., borne by the respondent to his mother, is of the opinion that the amount of maintenance to the tune of Rs.7,000/- to the petitioner to be awarded. And such award cannot be said to be unbearable for the respondent nor it is meager that it will drive the petitioner to the penury. The petitioner will be able to maintain herself with reasonable comfort. The position and status of parties, reasonable wants of petitioner are taken into consideration while awarding the above maintenance. The allegations made in the petition are to be substantiated during the trial. Accordingly, for the above said reason, I proceed to pass the following;

ORDER

The respondent is hereby directed to pay interim maintenance of Rs.7,000/- to the petitioner, as maintenance from the date of this order, till the disposal of the main petition.

(Dictated to the stenographer, computerized by him, corrected by me and then pronounced in the open Court, on this the 16th day of March, 2026)

(Md. Shaiz Chouthai)
Civil Judge and J.M.F.C., Sandur.