

IN THE COURT OF THE CIVIL JUDGE & J.M.F.C., SIRUGUPPA.

Present: Ashok R H
Civil Judge and J.M.F.C.,
SIRUGUPPA.

Dated this 11th day of May, 2026

Cri Misc.No.901/2024

PETITIONERS: 1. Smt. Cparvathi @ Sudha
W/o Kalinga
Age: 28 years, Housewife,
2. Minor Renukamma
D/o Kalinga
Age: 5 years,
3. Minor Kousalya,
S/o Kalinga, Age: 2 years,

Since they are minors, Reptd.,by their
guardian/mother petitioner No.1
All are R/o Upparahosalli village,
Siruguppa Taluk,
Ballari District.

(By Shri. LR., Advocate)

//Vs//

RESPONDENT: K Kalinha
S/o Late Kenchalli HucchaRangappa
Age: 31 years, Agriculturist ,
R/o Upparqahosalli village,
Siruguppa Taluk,
Ballari District.

(Sri VPK Advocate)

PARTIES TO I.A.NO.1

Applicant/Petitioner: Parvathi @ Sudha and others

V/s.

Opponents/Respondents: K Kalinga

ORDERS ON IA.No.I

The petitioners have filed this application under Section 125(1) of CrPC seeking interim maintenance.

2. The case of the petitioners is that, the petitioner No.1 is the legally wedded wife of the respondent. Their marriage was solemnized on 25.03.2016 as per the rites and customs prevailing in Hindu community. At the time of marriage, the parents of the petitioner had given Rs.50,000 cash and 2 tolas of gold to the respondent. After the marriage, the petitioner No.1 joined the respondent to lead married life and petitioner No 2 and 3 are born to them. It is alleged that the respondent and his family members have started ill-treating petitioner No.1 and have harassed her. The respondent and his parents have tortured the petitioner No.1 mentally and physically. The petitioners came to the parental home in July 2021. After a panchayat, the respondent took the petitioners to the matrimonial house for few days. But again he returned to Upparhosalli village and never maintained the petitioners. The petitioners came to the parental home. The respondent is not ready to take back the petitioners. It is alleged that the respondent has completely willfully neglected and refused to maintain the petitioner. The respondent has filed a divorce petition in MC 25/2023 which is

pending. The petitioner No.1 is in need of Rs.20,000/- per month for her maintenance and Rs 15,000/- each for her children. The respondent is an agriculturist and is getting income of Rs.6,00,000/- p.a . Hence this petition.

3. The petitioner has stated the said averments on oath in the affidavit accompanying the application.

4. The respondent has filed objections. The petition allegations are denied. It is contended that the marriage expenses were borne by the mother of the respondent. The petitioner No.1 refused to do household work. She insisted to live separately and harassed the respondent. The petitioner No.1 is not willing to live with the mother of the respondent. The petitioner No.1 has left the matrimonial house voluntarily. The respondent has thus filed a petition seeking divorce. It is contended that the petitioner No.2 is not born to the respondent. Thus it is sought to reject the application.

5. In support of the petition, the petitioner has filed marriage cards, birth certificates, RO, bank statement and aadhar cards.

6. Heard. Perused the materials available on record.

7. On the basis of the above pleadings, the following points arise for consideration:

P O I N T S

1. Whether the petitioners prove that the respondent is having sufficient means and has neglected and refused to maintain the petitioners?
2. Whether the petitioners are entitled for the interim maintenance as sought for?

3. What order ?

8. Based on the facts and the circumstances of the case and the materials on record, the answers to the above points are as below:-

Point No.1 : In the affirmative

Point No.2 : Partly in the affirmative

Point No.3 : As per the final order
for the following ;

REASONS

9. **Point No.1** : The petitioners have filed this petition seeking maintenance against the respondent. The relationship of the petitioner No 1 and 2 with the respondent is not disputed. Though the relationship of the respondent with the petitioner No 3 is disputed, the petitioners have produced the birth certificate where in the respondent is shown as the father of the petitioner No.3. Thus at this stage, the said contention of the respondent denying the relationship cannot be accepted. However the respondent is at liberty to establish his defence at a later stage. The petitioners have specifically alleged that the respondent has subjected the petitioner No.1 to mental and physical cruelty and the petitioners are residing away from the respondent. It is alleged that the respondent has failed and neglected to maintain the petitioners.

10. Looking into the materials at this stage, it is seen that the respondent being the husband of the petitioner No.1 and father of petitioner No. 2 and 3 is not providing maintenance to them. It is not at all the case of the respondent that he has made arrangements of

maintenance to the petitioners. It is not in dispute that the petitioners and respondent are living separately.

11. Whether or not, the respondent has subjected the petitioner No.1 to cruelty, and whether or not, the petitioners succeed in obtaining the maintenance order, has to be seen after a detailed enquiry. At this stage, it is suffice, if the petitioners were to satisfy a prima facie case. As already observed, admittedly the petitioner No.1 is the wife of respondent and petitioner No 2 and 3 are his children and that the respondent is not residing with them. Under such circumstances, at this stage, it is to be accepted that the petitioners have no independent income and are not able to maintain themselves.

12. The petitioner No.1 has stated that the respondent is an agriculturist. It is a bounded duty of the respondent, as husband of petitioner No.1 and father of the petitioner No 2 and 3, who are aged 5 and 2 years respectively, that he has to maintain his wife and children pending disposal of this petition. Otherwise, the petitioners would be left under the state of destitute. The object of granting interim maintenance is to ensure that arrangements are made to the needy during the period of determination of the case. For all these reasons, the petitioner is entitled for interim maintenance. Accordingly, this court has answered Point No.1 in the Affirmative.

13. **Point No 2:** The next aspect is determination of quantum of maintenance to the petitioner. In **Rajnish V Neha (2021) 2 SCC 324** it is held that the objective of granting interim / permanent alimony is to ensure that the dependant spouse is not reduced to

destitution or vagrancy on account of the failure of the marriage, and not as a punishment to the other spouse. There is no straitjacket formula for fixing the quantum of maintenance to be awarded.

14. The factors which would weigh with the Court *inter alia* are the status of the parties; reasonable needs of the wife and dependant children; whether the applicant is educated and professionally qualified; whether the applicant has any independent source of income; whether the income is sufficient to enable her to maintain the same standard of living as she was accustomed to in her matrimonial home; whether the applicant was employed prior to her marriage; whether she was working during the subsistence of the marriage; whether the wife was required to sacrifice her employment opportunities for nurturing the family, child rearing, and looking after adult members of the family; reasonable costs of litigation for a non-working wife. The court must take into consideration the status of the parties and the capacity of the spouse to pay for her or his support. Maintenance is dependent upon factual situations; the Court should mould the claim for maintenance based on various factors brought before it.

15. The financial capacity of the husband, his actual income, reasonable expenses for his own maintenance, and dependant family members whom he is obliged to maintain under the law, liabilities if any, would be required to be taken into consideration, to arrive at the appropriate quantum of maintenance to be paid. The Court must have due regard to the standard of living of the husband, as well as the spiraling inflation rates and high costs of living. The plea of the

husband that he does not possess any source of income ipso facto does not absolve him of his moral duty to maintain his wife if he is able bodied and has educational qualifications. A careful and just balance must be drawn between all relevant factors.

16. The test for determination of maintenance in matrimonial disputes depends on the financial status of the respondent, and the standard of living that the applicant was accustomed to in her matrimonial home. The maintenance amount awarded must be reasonable and realistic, and avoid either of the two extremes i.e. maintenance awarded to the wife should neither be so extravagant which becomes oppressive and unbearable for the respondent, nor should it be so meager that it drives the wife to penury. The sufficiency of the quantum has to be adjudged so that the wife is able to maintain herself with reasonable comfort. The same principles apply for grant of maintenance to the child of the spouse.

17. The petitioner No.1 has stated on oath that she has no income. It is seen that the petitioner No.1 is unemployed. There is no source of income to the petitioner No.1. Taking into the consideration the cost of living in present days and also the expenses likely to be incurred in the maintenance of the petitioners No 1, 2 and 3, the earnings and expenses of the respondent, this court holds that an amount of Rs. 4,000/- to the petitioner No.1 and Rs.2000/ each to the petitioner No 2 and 3 would be reasonable for them to meet their necessities. The said amount does not appear to be exorbitant which the respondent cannot pay. This court is of the opinion that the maintenance is to be paid from the date of the

petition. With these observations and the reasons aforementioned, this court has answered Point No.2 partly in the **Affirmative**.

18. Point No.3:- In view of the above discussions, observations, reasons and the answers to points No.1 and 2, this Court proceeds to pass the following :

O R D E R

The application seeking interim maintenance filed by the petitioners under Section 125(1) of CrPC is partly allowed.

The respondent is directed to pay a monthly maintenance of Rs.4,000/- (Rupees four thousand only) to the petitioner No.1 and Rs.2,000/- each (Rupees two thousand only) to the petitioner No.2 and 3 pending disposal of the petition.

The interim maintenance is payable from the date of filing of the petition.

(Typed by me directly in my laptop, script revised and corrected and then pronounced by me in the Open Court on this the 11th day of May, 2026).

(ASHOK R.H.)
Civil Judge and JMFC,
Siruguppa.

Order is pronounced (vide separate)

O R D E R

The application seeking interim maintenance filed by the petitioners under Section 125(1) of CrPC is partly allowed.

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The interim maintenance is payable from the date of filing of the petition.

Civil Judge and JMFC,
Siruguppa.

Payment of maintenance and enquiry
by 01.07.2026

Civil Judge and JMFC,
Siruguppa.

