

KABK210017672025



**IN THE COURT OF THE ADDITIONAL CIVIL JUDGE JMFC,
MUDHOL.**

**PRESENT : Sri. PRADIP POTADAR, B.COM. LL.B.,
Addl. Civil Judge & JMFC., Mudhol.**

Dated, this the 16th day of July 2026.
Criminal Miscellaneous No.544/2025.

- Petitioners:**
1. Smt. Surekha W/o. Durgappa Talawar.
Age: 32 years, Occ: House Maker.
 2. Kumari. Shreya S/o. Durgappa Talawar.
Age: 12 years, Occ: Student.
 3. Kumari. Shravya S/o. Durgappa Talawar.
Age: 08 years, Occ: Student.
 4. Kumari. Aradya S/o. Durgappa Talawar.
Age: 06 years, Occ: Student.
All are residents of R/o Mantur,
Tq: Mudhol.

**(Since the petitioners No.2 to 4 are
minor represented by their mother
petitioner No.1).**

(By Shri. B.R. Doddatti, Advocate)

-Vs-

- Respondent:**
1. Sri. Durgappa S/o Yallappa Talawar.
Age: 47 years, Occ: HC in CISF No.
077240442.
CISF unit Zc/NFC (P), at Post:
PAZHAYAKAYAL,
Dist: TUTICORIN, Tamil Nadu State
C/o. DIG-TECHFHQ
Phone – 96456542571.

(By Shri. C.G. Mathapati, Advocate)

**ORDER ON IA NO.I FILED UNDER SECTION 144 OF
BHARATIYA NAGARIK SURAKSHA SANHITA.**

The petitioners have filed the present application seeking interim maintenance of Rs.15,000/- each.

2. The petitioner No.1 in the affidavit it is stated that, she is the wife of respondent and their wedlock petitioners No.2 to 4 are born to them. The petitioner No.1 having no source of income and she is depending upon the income of respondent to maintain herself and petitioners No.2 to 4. The petitioners are residing with the parents of petitioner No.1. The respondent is working in CISF and his monthly income is Rs.1,00,000/- per month. Apart from that the respondent having agricultural income. Such being the case, the respondent is not maintaining the petitioners. Hence, the petitioners have filed this petition. **On these grounds the petitioners pray to allow the I.A.No.-I.**

3. On the other hand, the respondent has appeared before the court and filed objection to the main petition

and filed memo to adopt the main petition as objection to the IA.No.I. It is contended that the petitioner No.1 without any reason has left the company of respondent the respondent never assaulted the petitioner No.1. The respondent working in CISF and he is maintaining the petitioners. It is denied that the petitioners are required Rs.15,000/- each per month for their maintenance. Whenever, the respondent used to come in holidays the petitioner No.1 refuse to join in the native place, of respondent. The petitioner No.1 in those days used to stay with her parents. The respondent mother is suffering from stroke. The brother of respondent died due to kidney failure. The respondent has spent huge money to treat his brother. The brother of Respondent is no more. Now the mother and legal heirs of his brother are depending on his income. Such being the case, the respondent has availed loan of Rs. 17,00,000/- from the banks and Rs.15,00,000/- hand loan borrowed from his friend. As such the respondent is unable to pay interim maintenance as prayed by the petitioners of total

amount of Rs.60,000/-. On these grounds the respondent prays to dismiss the application.

4. Heard from both the side. Perused the entire materials on record.

5. The following points arise for consideration:-

POINTS

1. **Whether the petitioners have made out grounds for grant interim maintenance of Rs.15,000/- each?**

2. **What order?**

6. My answers to the above points are as under:-

Point No.1 : In the partly Affirmative.

Point No.2 : As per final order for the following:-

REASONS

7. **Point No.1:-** The brief facts of the I.A., affidavit and objection is already stated above. In order to avoid repetition of facts, brief facts of the I.A., affidavit and objection has not been stated. Both the side have filed their assets and liabilities. I have gone through the application and objection filed by petitioners and

respondent. The marriage was solemnized between the parties is not in dispute. It is not in dispute that the respondents No.2 to 4 are the children of petitioner No.1 and the respondent. It is alleged by the petitioner No.1 that the respondent started picking quarrel on petty matters and started to harass the petitioner No.1. These allegations are denied by respondent. The present application is filed for seeking interim maintenance of Rs.15,000/- each per month from the respondent.

8. I have perused the documents produced from both sides. The respondent is working in CISF. In the petition it is stated that monthly salary of the respondent is Rs.1,00,000 per month. I have perused the Salary certificate of Respondent. The net salary of respondent is Rs.73,094/- and take home salary is Rs.61,740/-. The record speaks that petitioners are not under care of respondent. The petitioners No.2 to 4 are school going children and the petitioner No.1 managing all the expenses of the petitioners. The

petitioner No.1 produced school fee paid receipts. The respondent did not produce any document to show that he is voluntarily paying any amount to the petitioners. Further, the record speaks that the petitioner No.1 is unable maintain herself and children and seeking interim maintenance.

9. On the other hand, the respondent has taken contention that he is serving in CISF. The respondent mother is suffering from stroke. The respondent brother is dead living behind his wife and children and hence, respondent having their responsibility on his shoulder. The petitioner No.1 has left the house of respondent without any reason. The respondent contended that he is unable to pay interim maintenance amount to the petitioners as sought in the application.

10. It is to be noted that the petitioners are unable to maintain themselves as above discussed. Their is lot burden on the shoulder of petitioner No.1 to take care

of the petitioners No.2 to 4 and herself. Now a days the cost of living is very high. So all these petitioners are depending on the respondent only. Such being the case, it is the moral duty of respondent to maintain his wife and children. Whatever, contention raised by respondent about availment of loan etc. will be decided only full fledged trial, at this juncture court cannot hold mini trial to decide the matter in issue. Even-though, the respondent has borrowed loan from bank and his friends, it is not a ground to escape from his liability. Therefore, by considering materials on record I opines to allow the application in part. **With these observation, I answered point No.1 in the partly affirmative.**

::ORDER::

The application No.1 filed U/sec. 144 Bharatiya Nagarik Suraksha Sanhita is hereby allowed in part.

The petitioners are entitled to the monthly interim maintenance of Rs.5,000/- each per month.

The respondent is directed to pay monthly interim maintenance to the petitioners of Rs.5,000/- each per month from the date of filing of this petition until disposal of this petition.

(Dictated to the stenographer, transcript computerized and print-out taken by him, then corrected, signed and pronounced by me in open court on this the 16th day of July 2026).

**(PRADIP POTADAR)
Addl. Civil Judge & JMFC.,
Mudhol.**