

**IN THE COURT OF THE ADDL. CIVIL JUDGE & JMFC
MUDHOL**

Present Sri Ajit Devaramani. B.Sc., L.L.B.
Addl. Civil Judge & JMFC Mudhol

ON TODAY THIS THE 18th DAY OF DECEMBER- 2019

Cri.Misc No: 222/2019

Smt. Shaila W/o. Shivanand Madalamatti & another

V/s

Shivananda S/o. Mahadev Madalamatti

IA.No.I

1. Smt. Shaila W/o. Shivanand Madalamatti,
Age: 25 yrs, Occ: House hold work,
R/o. Mudalagi, Dist. Belagavi,
presently R/o. Belagali, Tq.Mudhol
2. Kumari. Sincha D/o. Shivanand Madalamatti,
Age: 3 yrs, R/o. Mudalagi, Dist. Belagavi,
presently R/o. Belagali, Tq.Mudhol

Represented by Natural guardian Petitioner No.1.

...Applnt/Petr

V/s

1. Shivananda S/o. Mahadev Madalamatti,
Age: 33 yrs, Occ: Agriculture,
R/o. Mudalagi, Dist. Belagavi,

..Oppnts/Respt.

: ORDER ON I.A -1 :

1. Petitioner has filed application U/s. 125 (2) of crpc, seeking interim maintenance of Rs.15,000/- to both petitioners.
 2. In the affidavit annexed to the application petitioners have contended that, both the petitioners are totally depending upon the respondent, petitioner No.1 is not working and she is unable to maintain herself and her daughter, therefore may require Rs.15,000/- for the month's livelihood.
 3. Respondent family is owning a 1Acre of land in R.S.No.46/2, and owning a 30 Guntas of land in R.S.No.46/4 and 6 Acre-02 Guntas of land in R.S.No.46/7 situated at Shivapur village, Tq.Gokak. All the lands are irrigated lands. Respondent family is getting a 5 to 6 lakh Rs. Income from the above said lands. Further contended that, respondent has neglected the petitioners though he has sufficient income, therefore prays to allow the application.
1. On the basis of above pleadings the following points arise for my consideration;

Point No-1: Whether petitioners No.1 and 2 are jointly entitled for interim maintenance of Rs.15,000/- p.m

from the date of the petition ?

Point No.2 : What order?

4. Heard counsel for petitioner and perused the materials available on record. My answers to the above points are as under:-

Point No1 : In partly Affirmative.

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

:: REASONS::

5. **Point No.1:-** Petitioner has filed this case against the respondent under sec. 125 of Cr.P.C seeking maintenance IA.No.1 filed U/sec. 125(2) of Crpc., seeking ex parte interim maintenance.
6. It is case of the petitioner No.1 that she is legally wedded wife of Respondent after marriage she went to the house of the respondent to lead happy marital life with respondent, after three years of marital life, respondent started giving physical and mental harassment to the petitioner No.1 , demanding dowry in cash and gold. Petitioner went to her parental house for the purpose delivery of baby, after delivery respondent stated that, he will give the entrance to his house, if she brings a additional dowry in cash and gold. Without any

reasonable cause respondent neglected the petitioners, hence prays for ex parte interim maintenance.

7. I have perused the material available on record, at this stage from the documents it reveals that petitioner No.1 is the legally wedded wife of respondent, Petitioner No.2 is their minor daughter. And also it reveals that, respondent is capable of leading a maintenance to the petitioners. It is the duty of the husband to maintain his wife and minor children's. At this stage if 3,000/- Rs ex parte interim maintenance is granted it will meet the ends of justice. Therefore I answer Point No-1 in partly Affirmative.

8. **POINT No.2:-** In view of the discussion made above and findings given on Point No.1 , I proceed to pass the following;

: O R D E R :

The I.A.No.1 filed by the petitioners U/sec.125(2) of Cr.P.C is hereby partly allowed.

Accordingly petitioner's are jointly entitled for interim monthly maintenance of Rs. 3,000/- from the date of petition.

(Dictated to Typist directly typed by him, script corrected, signed and then pronounced in the open court by me on this the **18th DAY OF December -2019**)

(Ajit Devaramani)
Addl. J.M.F.C., MUDHOL.

**(order pronounced in the open court vide
separate order dated: 18-12-2019)**

: O R D E R :

The I.A.No.1 filed by the petitioners
U/sec.125(2) of Cr.P.C is hereby partly allowed.

Accordingly petitioner's are jointly entitled for
interim monthly maintenance of Rs. 3,000/- from
the date of petition.

Issue notice to respondent

Call on 07.02.2019.

Addl. J.M.F.C., MUDHOL.