

IN THE COURT OF THE PRINCIPAL CIVIL JUDGE & JMFC AT
DODDABALLAPURA

Present : SMT. DEEPA. K.R., B.A.L, LL.B.,
Prl. Civil Judge & JMFC.,
Doddaballapura
Bengaluru Rural District

Dated 18th Day of April 2023

Crl. Misc. No.452/2019

PETITIONERS : **1) Smt. Gangambike @ Ambika**
W/o. T. V. Nagesh
Aged about 30 years

2) Nitin
S/o Nagesh,
Aged about 10 years

3) Dhanush
D/o Nagesh
Aged about 9 years

(Both are Minors)
(Rept. By her Natural Guardian
Mother)

All are R/at:
Benachi Palya,
Alapanahalli Majara,
Sasalu Hobli,
Doddaballapura.

(By Sri. G.C.N., Advocate)

V/s

RESPONDENT : **Sri. Nagesh**
S/o. Venkateshappa
Aged about 34 years
R/at: Taggihalli Village,
Byalya Post, Madhuguru Taluk
Tumkur Dustrict.

(By Sri. D.M.R., Advocate)

Order on Interim application filed by the petitioners
U/s.125 of Cr.P.C.

The petitioners have filed this application under Section 125 of Cr.P.C. to order for interim maintenance directing the respondent to pay a sum of Rs.15,000/- per month pending disposal of the petition.

2. It is the case of the petitioners that the marriage between petitioner no.1 and respondent was solemnized on 15-06-2008 at house of Petitioner No.1 at Doddaballapura Taluk as per Hindu customs and traditions of their community; that the petitioner No.1 was joined the respondent's house as a dutiful wife and lived with him and his family members; that out of their wed-lock the petitioner No.2 and 3 were born and now they are with the petitioner No.1. It is the contention of the petitioners that the petitioner No.1 and the respondent lived happily for few years, and thereafter the respondent colluded with his parents, he has started demanding money from the petitioner No.1; that thereafter the respondent and his family members have started harassment to the petitioner No.1 in various ways; that the same has been tolerated by the petitioner No.1; that with regard to the above on two, three occasion the panchayaths were also held, but the respondent did not yield for anything; that the respondent along with his family members, in the mean while the respondent addicted to bad habits like alcohol and he started ill-treating the petitioner No.1 and demanding the money; that the respondent has put the petitioner No.1 mental cruelty by assaulting and using vulgar language; that the petitioner has tolerated all the ill treatment of the respondent and his family members.

3. It is the further contention of the petitioner that, from the criminal assaults by the respondent, the petitioner and her children have fear to live with respondent since they face danger to their life's; that in this behalf the petitioner No.1 has lodged a complaint before the Mahila Ayogha; that but even till today the said complaint is pending for consideration.

4. It is the further case of the petitioners that, the petitioner No.1 and her children now living with her parents; that her parents were aged and they are unable to maintain themselves; that she has a responsibility to maintain herself, her aged parents and her school going children; that the petitioner No.1 health condition is not in good terms and she has unable to do even coolie work to maintain her self and her children; that the petitioner No.1 requires 15,000/- per month towards her monthly maintenance for her children education, shelter and food etc.,; that the respondent is capable to pay the above said amount; that it is the duty of the respondent to maintain the petitioners and the petitioners have no support from any corner o the society, except to approach the Hon'ble Court and hence the petitioners have filed this petition along with the interim application; that if the application is allowed, no prejudice will be caused to the respondent otherwise the petitioners will be put to great loss and injuries and hence prayed to allow the interim application.

5. On due service of notice respondent was present. But later he remained absent. Though sufficient opportunity has been given, respondent has not filed objection.

6. Heard the Learned counsel for petitioner.

7. On considering the application averments, the point that would arise for my consideration is as under ;

Point No.1 :- Whether the application filed by the petitioner Under Section 125 of Cr.P.C. is deserves to be allowed and whether the petitioners are entitled for interim maintenance of Rs.15,000/-per month?

Point No.2 :- What Order ?

8. My answer 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

9. **Point No.1** :- The petitioner is contending that the respondent is her legally wedded husband and father of petitioner No.2 and 3 and that now she is unable to maintain herself and her children as she is not having sufficient means to maintain herself.

10. On the contrary, though sufficient opportunity has been given, respondent has not filed objections.

11. It is pertinent to note here that while dealing with the applications of this nature, the Court cannot go into the merits of the case. But, the Court has to see does the applicant has made out sufficient grounds to award interim maintenance. At this juncture, the Court has to believe that the petitioner and

respondent are husband and wife and petitioner No.2 and 3 are the children of petitioner No.1 and respondent. This aspect is not at all disputed. Further the Court at this juncture can believe that the petitioners are not at all having sufficient means.

12. By looking into the background of facts and in view of my above discussion, as it is the duty of the husband to look after the wife and children, it is appropriate to award an amount of Rs.8,000/- per month to the petitioners. Considering all these aspects, I answer point no.1 in the partly affirmative.

13. Point No.2 :- For the findings given in Point No.1, I proceed to pass the following.

:: ORDER ::

The interim maintenance application filed by the petitioner U/s.125(1) of Cr.P.C. is hereby partly allowed.

The respondent is hereby directed to pay an amount of Rs.8,000/- per month to the petitioners from the date of filing of the interim application till disposal of the main petition.

(Dictated to the Typist directly on the computer, typed by her, corrected and then pronounced by me in the Open Court on this the 18th Day of April 2023)

-Sd-
(DEEPA. K.R.)
Pri. Civil Judge & JMFC
Doddaballapura