

**IN THE COURT OF THE ADDITIONAL CIVIL JUDGE AND
JMFC., AT GOWRIBIDANUR**

Dated this 18th day of August, 2026

:: PRESENT::

Smt. PUSHPA D.

B.Com, L.L.B.,

**Addl. Civil Judge & J.M.F.C,
Gowribidanur**

Crl.Misc. No.146/2024

PETITIONER : Smt. Jayalakshamma

// Versus //

RESPONDENTS : Smt. Netravathi Y.G and others

ORDER ON IA NO.1

I.A.No.1 is filed by the learned Counsel for the Petitioner U/s.125 of Cr.P.C., for issuing directions to the Respondents to pay interim maintenance of Rs.30,000/- per month to the Petitioner, till pending disposal of the case.

2. The averments of the petition in brief are as follows :

The petitioner has sworn to an affidavit in support of the application, wherein she has stated that she is the mother-in-law of respondent Nos.1 and 2 and the mother of respondent No.3.

She has stated that respondent Nos.1 and 2 were married to D. Narayanamurthy and D. Narasimhamurthy respectively, who are the sons of the petitioner and they are now no more. Further, she has given education, basic necessities and incurred marriage expenses of more than Rs.10,00,000/- for respondent Nos.1 and 2. After their marriages, respondent Nos.1 and 2 secured Government employment and lived happily with their husbands during their lifetime. The petitioner has further contended that, after the death of her sons, respondent Nos.1 and 2 have neglected and refused to maintain her, though they secured employment on compassionate grounds and are earning good income. It is further stated that respondent Nos.1 and 2 are in possession and enjoyment of commercial and residential properties acquired by the petitioner's sons and husband and are receiving rents therefrom, earning more than Rs.1,00,000/- per month. That respondent No.3, who is the son of the petitioner, is earning more than Rs.50,000/- per month, but has also neglected and failed to maintain her. The petitioner has further stated that, being an aged person, she is required to incur more than Rs.30,000/- per month towards medical expenses and other necessities. On these grounds, the petitioner has sought for allowing the application.

3. The learned Counsel for the Respondents filed objections to the said petition, contending that the petitioner has claimed monthly expenses of Rs.50,000/- to Rs.55,000/-, but has not produced any document, such as rent receipts, medical bills, pharmacy bills, bank statements or any other material, to substantiate the alleged expenditure. Further contended that the petitioner has falsely stated that she has no movable or immovable properties and has suppressed material facts before the Court. The petitioner has also not disclosed details of her bank accounts, investments, fixed deposits, pension, rental income or any other financial resources. Though she has claimed medical expenses of Rs.34,000/-, the same is not supported by any documentary evidence. Further, it is contended that the petitioner is presently residing with Respondent No.3 and is receiving care and support from him. On these grounds, the Respondents have sought for rejection of I.A. No.1.

4. Heard the arguments of the learned counsel appearing for the parties. Learned counsel for the respondent No.1 also filed written argument. Perused the entire materials available on record.

5. The following points that arise for the consideration of this court are :

POINTS FOR CONSIDERATION

1. *Whether the Petitioner has made out grounds for granting the interim maintenance as sought for?*
2. *What order ?*
6. The findings of this court to the above points are as follows :

Point No.1 : Partly in the Affirmative;

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

:: R E A S O N S ::

7. **Point No.1:** It is not in dispute that the Petitioner is the mother in law of respondents 1 and 2 and mother of respondent no.3. According to the Petitioners, the Respondents 1 to 3, though possess sufficient means to maintain the Petitioners but neglected to maintain, hence they have approached this Court and on the contrary it is the case of the Respondent that the Petitioner residing with respondent no.3 and he is taking care of her and maintaining her with financial assistance. Further, the expenditure mentioned by the petitioner is not correct and supported by any documents.

8. In order to substantiate her case, the petitioner has produced the death certificate of her husband, copies of the death certificates of Narayana Murthy and Narasimha Murthy, who are stated to be the sons of the petitioner and the husbands of Respondent Nos.1 and 2 respectively, the Aadhaar Card of the petitioner, G-Tree, NCR and medical certificates. The specific contention of the petitioner is that, after the death of Narayana Murthy and Narasimha Murthy, Respondent Nos.1 and 2 secured employment on compassionate grounds and that, despite having sufficient income, they have neglected and failed to maintain the petitioner. However, except the aforesaid documents, the petitioner has not produced any documentary evidence before this Court to establish the present income or earning capacity of Respondent Nos.1 and 2. In particular, there is no document to show that Respondent Nos.1 and 2 were appointed on compassionate grounds consequent upon the death of Narayana Murthy and Narasimha Murthy. Though the learned Counsel for the petitioner has filed a memo along with a citation in support of the said contention, the question as to whether Respondent Nos.1 and 2 secured employment on compassionate grounds and, if so, their present income and financial capacity are disputed questions of fact. Such questions require appreciation of evidence and a full-

fledged trial. Therefore, at this interlocutory stage, this Court cannot conclusively determine the said issues merely on the basis of the averments and the documents presently produced.

9. One aspect that is clear from the pleadings and materials on record is that the relationship between the petitioner and Respondent No.3 is not in dispute. The petitioner has specifically contended that Respondent No.3, being her son, has neglected and failed to maintain her. However, except for her own averments, the petitioner has not produced any independent documentary or other evidence to substantiate the allegation of neglect by Respondent No.3. At the same time, the Hon'ble High Court of Karnataka, in **K. Jayaprakash v. N. Kuppaswamy**, has held that "*adult children have a duty to meet the physical and emotional needs of their aged parents. The Hon'ble Court has further observed that the expression "maintenance" is of wide amplitude and necessarily includes provision for residence, food, clothing and a roof over the head, so as to enable the aged parents to live with dignity*". Applying the aforesaid principles to the facts of the present case, it is evident that the petitioner is an aged parent and, as disclosed in the Declaration of Assets and Liabilities produced by her, she has asserted that she has no

sufficient independent income or means to maintain herself. Therefore, notwithstanding the absence of independent documentary evidence specifically proving the alleged neglect by Respondent No.3, the statutory and legal obligation of an adult son to maintain his aged parent cannot be ignored by this court.

With these observations, this court has answered Point No.1 partly in the Affirmative.

10. **Point No.2** : For the aforesaid discussion on point No.1, this court proceed to pass the following :

ORDER

I.A.No.1 filed by the Petitioners U/s.125 of Cr.P.C. is hereby partly allowed.

The Respondent No.3 is hereby directed to pay Rs.10,000/- per month to petitioner, as interim maintenance from the date of petition till the disposal of the same.

No order as to costs.

Call on evidence of petitioner by 14.10.2026.

(Typed, corrected, revised by me and then pronounced in the open Court this 18th August, 2026)

(PUSHPA D.)
Addl. Civil Judge & J.M.F.C.
Gowribidanur