

**IN THE COURT OF THE CIVIL JUDGE AND J.M.F.C AT SRINGERI**

**Crl. Mis. No. 33/2024**

**Petitioners**

Smt. Roopa V M and One  
other

**V.**

**Respondent**

Chethan G

**Date: 03.10.2024.**

**Proceedings or Orders of the Judicial Officer**

**EX-PARTE ORDER PASSED ON I.A No.I FILED  
UNDER SECTION 144(1) OF BNSS**

1. The Petitioners have filed the instant application seeking an order of interim maintenance of Rs.10,000/- from the Respondent towards the maintenance of Petitioner No.2 who is the minor child of the parties. A prayer is also made to pass such order ex-parte.

2. Perused the entire case papers.

3. In the affidavit appended to the application, the Petitioner No.1 has contended that the application is filed seeking interim maintenance only for Petitioner No.2; the Petitioners are now living separately from the Respondent and the salary that the Petitioner No.1 is getting is highly insufficient to maintain herself and the minor child; the Respondent is presently employed as a Police Constable and drawing a salary of Rs.60,000/- p.m. Hence, the prayer to pass an ex-parte order directing the Respondent to make

arrangement to pay interim maintenance to the tune of Rs.10,000/- to Petitioner No.2.

4. The Petitioner No.1 has also filed her statement of assets and liabilities indicating that she is presently employed as Teaching Staff in Sharada Dhanvantari Nursing College in Sringeri and drawing salary to the tune of Rs.24,000/- p.m.

5. I have carefully perused the petition averments, the application averments and the documents which have been filed along with the petition.

6. At this initial stage of the matter, the document being wedding invitation card would establish the fact that Petitioner No.1 is the wife of the Respondent. The Petitioners in the petition have asserted that the Respondent despite having sufficient means has willfully neglected to make arrangements for the maintenance of their minor daughter i.e Petitioner No.2. It is also contended that the Petitioners are now residing separately from the Respondent and the Respondent is also equally responsible to provide for the expenses of their minor daughter i.e Petitioner No.2 and the income being earned by Petitioner No.1 is highly insufficient to solely bare the expenses of herself and that of Petitioner No.2. The Petitioners have also produced departmental notice issued by the Police Department to the Respondent which would

evidence that the Respondent is working as a Police Constable. Such being the case, at this stage, it appears that the Respondent though having sufficient means, has failed to provide for the maintenance of his minor daughter. Hence, at this stage, this Court is of the view that it is just and necessary to direct the Respondent to provide interim maintenance to the Petitioner No.2 who his minor daughter. However, the Petitioners have sought for sum of Rs.10,000/- per month as interim maintenance. But, this Court is of the view that if the Respondent is directed to pay Rs.5,000/- per month to the Petitioner No.2 as interim maintenance, it would meet the ends justice.

7. It is also to be made clear that the though there is no specific provision in the BNSS empowering the Court to pass ex-parte order of interim maintenance, the Hon'ble Supreme Court of India in **SAVITRI W/O GOVIND SINGH RAWAT VS. GOVIND SINGH RAWAT** reported in **AIR 1986 SC 984** has clearly held at Para No.6 that, in petitions of the like nature, on the basis of affidavit and on showing a prima-facie case for entitlement for the interim maintenance, the Court is sufficiently empowered to pass ex-parte order subject to modification or cancellation of such ex-parte order after the Respondent is heard. In the present set of facts in view of the above discussion, this Court is of the opinion

that there is a prima-facie case, at this stage of the matter, in favour of the Petitioners, and such being the case, if the Court refuses to grant any relief, it would amount to putting the Petitioners to grave hardship. With these observations, the following:

**ORDER**

*Respondent is hereby directed to pay Rs.5,000/- per month to the Petitioner No.2 by way of interim maintenance from this day, until further orders.*

*It is made clear that this being an ex-parte order, the same would be subject to modifications or alterations, as the case may be.*

Issue notice to Respondent by way of R.P.A.D., if P/F paid and Postal covers furnished.

R/by: 21.10.2024.

Sd/-  
**C.J & J.M.F.C: Sringeri**