

KACN220018062025



IN THE COURT OF I ADDL. CIVIL JUDGE & JMFC
GUNDLUPET

Dated this 16th day of July, 2026

Present:

Sri. Girisha.R.B, B.A.L LLB
I Addl. Civil Judge & JMFC
Gundlupet

Crl. Misc. NO. 360/2025

PETITIONERS : 1. Smt. Jyothi
W/o Rangaswamy
D/o Late. Javarashetty
Aged about 22 years

2. Sathvik.R
S/o Rangaswamy
Aged about 4 years
*(As petitioner No.2 is minor in
age, he is represented by his
natural guardian mother i.e.,
petitioner No.1.)*

Both are R/o :
Raghavapura village,
Begur Hobli, Gundlupet Taluk

(By **Sri Y.K** - Advocate)

Vs/-

- RESPONDENTS:**
- 1. Sri. Rangaswamy**
S/o Ramashetty
Aged about 24 years,
 - 2. Sri. Ramashetty**
S/o Rangashetty
Aged about 55 years,
 - 3. Smt. Mahadevamma**
W/o Ramashetty
Aged about 45 years,
 - 4. Smt. Gowramma**
W/o Chikkarajashetty
Aged about 30 years,

All are R/at :
Raghavapura village,
Beguru Hobli, Gundlupet Taluk.

(Exparte)

ORDER

The petitioners have filed this petition under section 12(1) of Protection of Women from Domestic Violence Act 2005 against the Respondents.

2. The brief facts of the petitioners case that Petitioner No.1 is the legally wedded wife of respondent

No.1 and their marriage was solemnized on 10.05.2020 at Pattalladamma temple at Raghavapura Village in Gundlupet Taluk as per Hindu rites and customs prevailed in their community. The respondent No.2 and 3 are the father and mother of the respondent No.1 and the respondent No.4 is the elder sister of the respondent No.1. After the marriage the petitioner No.1 and respondent No.1 were cordial only for the period of 3 years, thereafter the respondent without knowledge of the petitioner No.1 developed illicit relationship with one lady by name Meghana and when 1st petitioner asked about keeping mistress, he started giving ill-treatment to the petitioner No.1 and he used to pick up quarrel with the petitioner No.1 by demanding money in the form of dowry and out of their wed-lock 2nd petitioner was born, during the stay of petitioner No.1 with the respondent No.1 she was subjected for physical and mental harassment by the respondents and they were not provided proper food to

them. Further the respondent No.1 brought the said Meghana to his house, concealing the fact that he already has a wife and child and saying that he would marry her. Further it is submitted that, the respondent No.4 even-though married to Annurukeri village, she used to stay in the house of respondent No.1 to 3 and also she instigated the respondent No.1 to marry Meghana.

3. It is submitted by the petitioners that the respondents have has thrown out the petitioners from his house. Now the petitioner No.1 is residing in her father house along with 2nd petitioner. The petitioners have no income for their livelihood now they are living separately in Petitioner No.1 father's house. They require money towards food, clothing, etc., at least Rs.35,000/- per month. The respondent No.1 business in loading tender coconuts and also the respondents have landed property bearing Sy. No.89/2, measuring 23 guntas and Mangalore tiled house at Sy. No.22/5A1, measuring 1.04 guntas

situated at Raghavapura village, Begur hobli, Gundlupet Taluk and getting more than Rs.50,000-00 per month as such the respondents are having sufficient income. Hence this petition.

4. In pursuance of the court notice duly served on the respondents, they have not appeared before court, hence they have placed exparte.

5. Heard the arguments of counsel for petitioners.

6. To prove the petition averments, the petitioner No.1 has been examined herself as PW.1 and got marked 7 documents as Ex.P-1 to P-7. On the other hand the respondents have been placed exparte.

7. The point that arises for consideration is:-

1) Whether the petitioners have proved they are entitled for relief from the respondents as prayed in the petition?

2) What Order?

8. My findings on the above points are as follows:

Point No.1 : Partly in the affirmative

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

REASONS

9. POINT NO.1: In order to prove their case, the petitioner No.1 examined herself as PW-1 and got marked the documents at Ex.P-1 to P-7. PW.1 has specifically deposed that: She is legally wedded wife of respondent No.1. After marriage the respondent were cordial for the period of 3 years and thereafter he used to pick up quarrel with the petitioner No.1 by demanding money in the form of dowry and she was not served with proper food and other necessities. In this regard the parents of petitioner No.1 and respondents have convened panchayath for their conciliation, but all the efforts were in vain as the respondent No.1 has refused to take her back. The respondent No.1 has willfully deserted her even though he is having sufficient income to maintain them. The respondents are having own house and landed property

and also tender coconut loading business and getting income of Rs.50,000-00 to Rs.60,000-00 per month and as such the respondent No.1 is having sufficient income. In support of her oral evidence she has got marked 7 documents as per Ex.P-1 to P-7, Ex.P-1 is the photograph, the Ex.P-2 is the copy of the birth certificate of petitioner No.2, the Ex.P-3 is the RTC extract in respect of property SY. No.89/2, measuring 23 guntas, situated at Raghavapura village, Begur Hobli, Gundlupet Taluk, the Ex.P-4 is the RTC extract in respect of property Sy. No.22/5A1, measuring 8 guntas, situated at Raghavapura village, Begur Hobli, Gundlupet Taluk, the Ex.P-5 is the Adhar Card pertaining to petitioner No.1, the Ex.P-6 is the acknowledgement issued by Begur Police, the Ex.P-7 is the thayi card. Further, the Ex.P-2, Ex.P-5 and Ex.P-7, which are clearly disclosed that the 1st petitioner and the respondent No.1 are husband and wife.

10. On the other hand, even the notice duly served on the respondents, they have not appeared before court and hence they have placed exparte. The said conduct of the respondents clearly discloses that they are not denied the entire petition averments. Therefore, the evidence of PW.1 remained unchallenged. When the facts in dispute are not controverted, in such circumstances whatever the contention taken by the petitioners is accepted as true. There is no rebuttal evidence to disbelieve the evidence of PW.1, as such an adverse inference has to be drawn against the respondents. Accordingly, the petitioners have successfully proved that petitioner No.1 is the legally wedded wife of the respondent No.1 and the 2nd petitioner is her son and the respondent No.1 has willfully deserted them even though he is having sufficient income to maintain them.

11. Further, PW.1 has deposed respondent No.1 business in loading tender coconuts and also the

respondents have landed property bearing Sy. No.89/2, measuring 23 guntas and Mangalore tiled house at Sy. No.22/5A1, measuring 1.04 guntas situated at Raghavapura village, Begur hobli, Gundlupet Taluk the respondent No.1 earns more than Rs.50,000/- per month. But the petitioners have not produced any piece of document to prove the source of income of the respondents as stated in her petition except Ex.P-3 and 4 RTC extracts. Further the petitioners have not prove the role of the respondent No.2 to 4 and their act. However, the said evidence of PW-1 also remained unchallenged. However, nowadays even a coolie is also having minimum wages of Rs.500/- per day. Therefore, the respondent No.1 being a hale and healthy person and he is earning more than Rs.50,000/- per month from his tender coconut business and agriculture as submitted by the petitioner, he would have sufficient income to maintain the petitioners. Apart from all these facts, it is the bounden

duty of the respondent No.1/husband to look after the welfare of his wife and son i.e. the petitioners by providing basic necessities of the petitioners. Therefore, the respondent No.1 can't be escaped from his liabilities.

12. Admittedly the respondent No.1 has maintained his wife and son while they were cordial with him and when the matrimonial affirms smoothly and happily going on. At that time, he had made certain expenses for basic necessities of his family, hence that should be continued and he cannot evade his duty to maintain his wife and child when he has strained relationship with the petitioners.

13. The petitioners seeking an order of maintenance of Rs.15,000/- per month to petitioners towards their maintenance. But the petitioners have not produced any documents to show the income of the respondent No.1. Similarly, the respondent No.1 has also not contested the

case of the petitioners. Therefore, by considering the materials placed on record and present standard of living, medical cost, means/income of the respondent and also cost of living of the petitioners, it is necessary to order for an appropriate maintenance amount. Though petitioners have claimed relief under protection of women from domestic violence act, but the petitioners have not produced any iota of evidence or examined any independent witness in this regard. Hence, she is not entitle to any relief under Protection of Women from Domestic Violence Act 2005.

14. As such on careful perusal of the evidence of PW1, it goes to show that the respondent No.1 is not maintaining the petitioners and they are residing each other separately. However, the petitioners have not produced any documents to show that what respondent No.1 is doing for his earnings and what is his monthly income. In the absence of the said materials, it is very

difficult to ascertain the quantum of monetary reliefs. However it is the bounden duty of the husband to look after the welfare of his wife and children by providing basic necessities. Therefore, considering the materials placed on record and the position of the petitioners and respondent it is necessary to order for an appropriate maintenance amount/ monetary relief, otherwise, if the respondent No.1 unable to pay the maintenance in future days, he would be put in problem for his inability to comply the order of court. Therefore, by considering present standard of living, medical cost, means/income of the respondent and also cost of living of the petitioners. Further the respondent No.2 to 4 are not liable to pay maintenance to petitioners as their role is not proven by the petitioners.

15. Therefore, in view of my above discussion and by considering the materials on record, I am of the considered opinion that the petitioner No.1 is entitle for a monthly maintenance of Rs.5000/- from the date of petition, the

second petitioner is entitle for a monthly maintenance of Rs.3000/- from the date of petition and it would fair and reasonable and it would suffice to meet the ends of justice. Accordingly, I answered point No.1 in partly Affirmative.

16. Point No. 2:- In view of my above discussion in point No. 1, I proceed to pass the following:-

ORDER

The petition filed by the petitioners Under Section 12 (1) of protection of women from domestic violence act 2005 is hereby partly allowed.

The respondent No.1 is hereby directed to pay monthly maintenance of Rs.5,000/- to the petitioner No.1 and Rs.3,000/- to petition No.2 from the date of this petition.

It is further ordered that the 2nd petitioner is entitle for the said maintenance till he attains majority.

(Dictated to the stenographer, on computer and computerized by him, revised, corrected and then pronounced in open court on 16th day of July-2026)

**I Addl. Civil Judge & JMFC.,
Gundlupet**

A N N E X U R E

**(i) List of Witnesses Examined on Behalf of the
Petitioners :-**

PW.1 : Smt. Jyothi

**(ii) List of Documents Marked on Behalf of the
Petitioners :-**

Ex.P-1	:	Photograph
Ex.P-2	:	Copy of the birth certificate pertaining to petitioner No.2.
Ex.P-3 & 4	:	RTC Extracts
Ex.P-5	:	Aadhar Card pertaining to petitioner No.1.
Ex.P-6	:	Acknowledgment issued by police
Ex.P-7	:	Thayi card

(iii) List of Witnesses Examined on Behalf of the Respondents:-

-NIL-

(iv) List of Documents Marked on Behalf of the Respondents:-

-NIL-

(Girisha.R.B)

I Addl.Civil Judge & JMFC.,
Gundlupet.