



**IN THE COURT OF THE I ADDITIONAL CIVIL JUDGE
& JMFC, CHANNAGIRI.**

Present: Smt. Mahalakshmi
M.A., LL.B.,
I ADDL. Civil Judge & JMFC, Channagiri.

Dated: 07th Day of March 2026

Crl.Mis.No.1021/2024

PETITIONER:- 1. Smt. S.B Anusha
W/o M.H Harish
Aged about 27 years,
Occ: House wife

2. Rakshith M.H
S/o M.H Harish
Aged about 08 years,
Occ: Student

3. Rithvik M.H
S/o M.H Harish
Aged about 03 years,

Petitioner No. 2 and 3 are minors
represented by their natural guardian
that is petitioner No.1
All are R/o. C/o B.S Byrappa
S/o Shivalingappa , LIC Agent
R/o Sunnigere Village,
Channagirit Taluk,
Davanagere District.

(By Shri. S.R.S ., Advocate)

-V/s-

RESPONDENT: Sri. M.H Harish

S/o M.E Hanumanthappa,
Aged about 38 years,
R/o Ajjihalli Village,
Channagiri Taluk and District.

(By Shri. M.T.S., Advocate)

**Orders on the Application filed by petitioner
for interim maintenance- I.A No.1**

The petitioners filed this application with a prayer to grant interim maintenance of Rs.15,000/- each for petitioner No.1 to 3 per month from the respondent for their sustenance till disposal of the petition.

2. In support of the application the petitioner No.1 sworn an affidavit wherein she stated that, she know the facts of the case. The petitioner No.2 and 3 are her minor children who are under her care and custody. She representing in the present petition on behalf of them also. They have filed this petition seeking maintenance from the respondent and treat the averments of petition as part and parcel of this affidavit. She has filed instant interim application to incur expenses of daily basic necessities which requires to them till disposal of the petition. Such as of litigation, food, medical expenses, residence and for educational expenses of petitioner No.2 and 3 etc., she required interim maintenance till disposal of the case. She along with her children taken shelter under her parental house. She has no any source of income to lead her life independently and to fulfill the basic necessities and proper nourishment of her children.

Thus, prays to grant of interim maintenance amount as prayed in the application from the respondent.

3.The petitioner No.1 further asserted that, the respondent working as a Health Inspector under Government Service and as getting Rs.62000/- monthly salary income. Thatapart, the respondent also had landed properties at Dondraghatta, Sunnigere, Chikkulikere and Ajjihalli Villages totally measuring 10 Acres 20 guntas which consisting arecanut plantation and maize crops. The respondent earning Rs.25 Lakh to 30 Lakh from the said agricultural landed properties per annum. In total the respondent earning Rs.40 Lakh per annum from these sources. But he has not made any arrangement for their livelihood. If this application is not allowed they will be put to great injustice. If allowed no harm will be caused to other side. Thus, prays to grant of interim maintenance of Rs.15000/- each for them from the respondent per month till disposal of petition.

4. In response to the notice, the respondent appeared and filed statement of objection wherein he admitted the marital relationship with the petitioner No.1 and parental relationship with petitioner No.2 and 3. He further admitted that, the marriage of petitioner No.1 with him performed on 22.02.2015. Except these facts he denied further assertions of the petitioners. The alleged harassment negligent acts narrated by the petitioner No.1 in the petition and called upon the petitioner No.1 to prove the same.

5. The respondent specifically contended that, the petitioner No.1 being having abusive nature towards his old age parents when she was in marital house and she gave mental harassment for him as well to his parents and use to start quarrel for silly reasons which most tolerated by him and his age old parents. On 13.03.2024 when respondent on his duty she along with the children left the marital house without any intimation and the respondent came to know the said fact at 5.00 PM when he reached home. Thatapart he received a message from the petitioner No.1 on his mobile stating that; "ನನ್ನ ಸಾವಿಗೆ ನನ್ನ ಅತ್ತೆ, ಮಾವ, ನನ್ನ ಗಂಡ, ಮೂರು ನಾದಿನಿಯರೇ ಕಾರಣ ತುಂಬಾ ಕಿರುಕುಳ ಕೊಡುತ್ತಿದ್ದರು ತಡೆದುಕೊಳ್ಳೋಕೆ ಆಗದೆ ನಾನು ನನ್ನ ಮಕ್ಕಳನ್ನು ಕರೆದುಕೊಂಡು ಸಾಯುತ್ತೇನೆ ಇವರಿಗೆ ಶಿಕ್ಷೆ ಆಗಲೇಬೇಕು. ಇಂತಿ ನಿಮ್ಮ ಮಗಳು ಅನುಷಾ "

6. The respondent further contended that, on receipt of said message, he conveyed missing complaint of petitioners to his relatives and started to search them by lodging missing complaint before the Channagiri Police Station. On going to the said process he came to know that, the petitioners lodged in the bus which going to Davangere. Immediately he and his relatives found the petitioners in her relative's house at Davanagere and brought them to his house in car. But at that time she refused to come back to continue cohabitation with the respondent and returned to her parental house at Sunnigere Village.

7. The respondent also explained all the incidents

before the police on 15.03.2024 who made conveyance between the petitioner No.1 and respondent. As a result the petitioner No.1 accompanied the respondent and continued her marital life with him. He tolerated all the pinpricks and rude behavior of petitioner No.1 since from their marriage and finally got desparited and disappointed filed divorce petition before the Hon'ble Senior Civil Jude, Channagiri vide MC No. 19/2024 which is pending for disposal. The Petitioner No.1 being lonely daughter of her parents, the father of petitioner No.1 got arecanut plantation and as income nearly 15 - 20 Lakh per Annum. Thatapart her father also working as LIC Agent. On this backdrop the petitioner No.1 on her own will and wish left the company of the respondent. He has no salary income as narrated by the petitioner No.1 after deductions he only obtaining Rs. 29000/- out of which he has take to take care of his old age parents and incur their medical expenses to the tune of Rs. 70,000 to 1 Lakh per month. He also borrowed hand loans from his friends and relatives. Even apart from these he being duty bond father paying school fees of petitioner No.2 and 3 regularly. Thus prays to dismissal of petition as wells as I.A No.1.

8.On the basis of interim application and material placed on record, following points would arise for my consideration: -

1. Whether the petitioner No.1 established prima-facie case to grant interim relief as stated in the application?

2. Whether, the petitioners are entitle for

interim maintenance and what is quantum of maintenance?

3. What order?

9. Heard learned Counsel appearing for the petitioner. Perused the material on record and my findings on the above points is as below:

PointNo.1 &2 : In the partly Affirmative

**Point No.3 : As per final order
for the following :**

REASONS

10 .POINT NO.1 and 2: The petitioner No.1 and respondent admitted their relationship among them and parental relationship with the petitioner No.2 and 3 who are their children. As per the rival pleadings it is coming forth that, the petitioner No.1 along with petitioner No.2 and 3 residing separately and taken shelter under parental house of petitioner No.1 since from 13.03.2024 as the petitioners left the company of respondent and living separately till date. Having taken note of statement of objections filed by the respondent except paying school fees of petitioner No.2 and 3 has not made any arrangements for their livelihood and sustenance. The respondent being duty bond husband of petitioner No.1 and father of petitioner No.2 and 3 has responsibility to take care of them under legal parameters.

11. In order to substantiate the prima facie case of the petitioners, the petitioner No.1 has filed marriage

invitation card, birth certificate of petitioner No.2 and 3. Three photograph, copy of advance receipt issued by Dhruva Education Trust dated: 20.05.2024, RTC pertaining to 2024-2025 of Ajjihalli Village of Sy.No. 35/3 measuring 35 Guntas stands in the name of M.E Hanumanthaiah S/o Eshwarappa and RTC extract bearing Sy.No. 104/5 of Chikkulikere Village measuring 20 Guntas stands in the name of M.E Hanumanthappa and Parameshwarappa, RTC extract for the year 2024-2025 of Dondragatta Village of Sy.No. 87/2 stands in the name of M.E Hanumanthappa measuring 2 Acres, RTC extract for the year 2024-2025 of chikkulikere Village of Sy.No. 104/31 stands in the name of M.E parameshwarappa measuring 2 Acres, RTC extract for the year 2024-2025 of Sunnigere Village of Sy.No.62/2 stands in the name of M.E Hanumanthappa measuring 1.3308 Gunta, RTC extract for the year 2024-2025 of Dondragatta Village of Sy.No. 48 stands in the name of M.E Parameshwarappa S/o Eshwarappa measuring 1 Acres 23 Guntas, RTC extract for the year 2024-2025 of Sunnigere Village of Sy.No. 62/3 stands in the name of M.E Parameshwarappa S/o Eshwarappa and copies of Adhar Cards.

12. Though the respondent disputed the claim of petitioner No.1 insupport of his contention placed xerox copies of school fee receipts dated:15.04.2025, 13.05.2025, 24.04.2024 pertaining to petitioner No.2 and 3 and copies of medical bills and receipts consisting various dates pertaining to his father Hanumanthappa

M.E.

13. I have carefully perused the application, objection and documents insupport of the claim. Wherein there is no dispute regarding to the relationship between petitioners and respondent. The petitioners living separately from the respondent and has no any source of income to incur their daily necessities. Petitioner No. 2 and 3 being minors and their interest is the paramount consideration of judicial discretion. However, the petitioners stated in the affidavit that respondent working as a Health Inspector getting monthly salary of Rs. 62000/-But the petitioner has not placed any salary certificate on record to establish said salary particulars. But the respondent admitted in his statement of objection that he working as a Health Inspector and getting monthly salary as Government servant. But he denied his monthly gross salary income stated by the petitioner No.1. Thatapart petitioner No.1 stated in her affidavit that the respondent also having agricultural arecanut landed properties to an extent of 10 Acres in Chikkulikere, Ajjihalli, Sunnigere Villages. On perusal of RTC extracts placed by the petitioner No.1 the said properties stands in the name of father of respondent in which the respondent has hissa share. Though the petitioner No.1 has not filed any documents to establish exact income of respondent. But the respondent has not denied occupation and avocation under Government service as Health Inspector. However, At this juncture for the survival of petitioner No.1 and her children which is the bounden duty of the respondent to look after them

through out their life time and till they not entitled for the said relief under legal parameters till disposal of the petition. The respondent willfully neglected the petitioners and not made any arrangement for their sustenance. Thus the petitioner No.1 has made out prima facie case to grant interim maintenance in their favour. Though the petitioner No.1 sought Rs. 15000/- each as monthly interim maintenance but no statement of accounts supported her version. Accordingly holding that the petitioners are entitled for interim maintenance and quantum of interim maintenance is Rs.5000/- each per month is awarded it will mete the ends of justice till disposal of the petition. Thus, the point No. 1 and 2 answered in the **Partly Affirmative**.

14. Point no.3: In view of discussion and conclusion arrived at point No.1 and 2, this court proceed to pass following:

ORDER

The I.A No.1 filed by the petitioner under order 144 (1) and 145 (1) is hereby partly allowed.

The respondent is hereby directed to pay interim maintenance of Rs.5,000/- each per month to petitioner NO.1 to 3 respectively from the date of application till the disposal of the petition.

Parties to bear their own cost.

(Direct dictated to the Stenographer on computer pronounced by me in Open Court on this the 07nd day of March 2026.)

(Smt. Mahalakshmi .G)
I Addl Civil Judge & JMFC.,
Channagiri.