

KADK200010032023



**IN THE COURT OF SENIOR CIVIL JUDGE AND JMFC AT
BANTWAL, DAKSHINA KANNADA**

**Presided over by ANIL PRAKASH M.P., B.A.L., L.L.B., M.B.A.
Senior Civil Judge & J.M.F.C., Bantwal, D.K.**

Dated this the 10th day of August, 2026

M.C./49/2023

PETITIONER:

Sri.Chandrashekara Hegde
S/o Late. Chinnayya Hedge
Aged about 46 years,
R/at. Ninyalu House
Nainadu Post
Pilathabettu Village
Bantwal Taluk.

[By Sri.K.V.B., Adv.]

V/s

RESPONDENT:

Smt.Prasanna
D/o. Devaraya
Aged about 45 years,
R/at. Near Nithyananda
Asharama, Kanhengad
Hosadurga Taluk
Kerala State-671315.

[By Sri.U.N.G., Adv.]

ORDER

The respondent has filed this I.A.No.II under Sec.24 of Hindu Marriage Act to direct the petitioner to pay sum of Rs.25,000/- per month towards maintenance and sum of Rs.5000/- per month towards the expenses.

2. She has sworn to an affidavit wherein she has stated that her marriage with petitioner was solemnized on 20.12.2012 at "Sri.Radhakrishna Kalyana Mantapa," Punjalkatte of Belthangady Taluk, D.K.

3. Further she has submitted that the petitioner is not providing any maintenance and she do not have any sort of mental disorder, but the petitioner himself is incapable of giving sexual satisfaction.

4. Further she has submitted that, the petitioner at the instance of his brother and brother in law is not taking care of herself and now he has filed petition for divorce after deserting her without providing any maintenance and for that reason submits to award interim maintenance of Rs.5000/- per month towards proceedings and sum of Rs.25,000/- per month and permanent alimony of Rs.50,00,000/- and accordingly submits to allow I.A.No.II.

5. On the other hand the petitioner has filed objection admitting his marriage with him as true and has denied he averments that, he was not providing any maintenance and he

himself was unable to give her sexual satisfaction and has filed this false case on the instigation of his brother and brother in law as false.

6. Further he has submitted that, the respondent has failed to disclose her true income and educational qualification and has submitted that, the respondent is well educated and capable of earning, but she has not chosen to work only to claim maintenance and as per section 24 of Hindu Marriage Act the court has to take into consideration that the applicant has no source of income to maintain herself and the respondent has not produced any documents to prove her destitution and for that reason the respondent is capable of maintaining herself and for that reason she is not entitle for maintenance.

7. Further he has submitted that, the respondent in support of her application has not filed affidavit of assets and liabilities and he is a coolie by avocation and he is having hand loans to be cleared and three years back his father expired and prior to the same he has incurred huge amount towards medical expenses and also he has taken loan for the treatment of his father which is to be cleared and for that reason submits to dismiss I.A No.2.

8. Perused application and objection and the point that arises for my consideration are:-

1. Whether the respondent has made out grounds to award alimony pendent lite of sum of Rs.25,000/- per month from petitioner under Sec.24 of Hindu Marriage Act?

2. What order?

9. Heard arguments advanced by both the sides and accordingly I have answered **Point No.1 Partly in the Affirmative** for the following:

REASONS

10. **Point No.1:-** The petitioner has filed petition under Sec.13(1)(ib) of Hindu Marriage Act seeking decree of divorce from respondent on the ground of desertion and after service of notice the respondent appears and has filed statement of objection denying the petition averments.

11. Further on 17.01.2026 the respondent has filed I.A. No.2 under section 24 of Hindu Marriage Act seeking maintenance pendente-lite and in the application the respondent is claiming sum of Rs. 25,000/- towards maintenance and sum of Rs.5000/- towards monthly expenses and whereas in affidavit to I.A No.II she is claiming interim maintenance of sum of Rs. 5000/- per month and again she claims sum of Rs. 25000/- per month towards maintenance which are contradictory to one another.

12. Further the respondent has not stated anything about income and avocation of petitioner and also the petitioner has not stated anything about his income and avocation though he has stated he is a coolie by avocation, but nothing is forthcoming regarding income and expenditure of both parties and also both parties have not filed affidavit of assets and liabilities disclosing their income and expenditure, but however at the stage it is pertinent to note that, both parties out of marriage do not have any children and for that reason the respondent has no liability to look after any children and as per cause title of the petition it is clear that, the respondent is a resident of 'Hosadurga Taluk' of Kerala State and for that reason she requires to come to the court on date of hearing whenever her presence is required and apart from that, though the petitioner has stated that, the respondent has educational qualification so that, she can take employment, but details educational qualification is not forthcoming and without there being details regarding employment details of respondent and educational details this court cannot arrive at conclusion that, the respondent is capable of taking care of herself and she has sufficient income so that, the petitioner cannot be directed to pay maintenance and at another hand there are no details regarding income of petitioner and for that reason it is proper to award sum of Rs. 5000/- per month to be paid to the respondent and accordingly, I have answered **Point No.1 partly in the Affirmative.**

13. **Point No.2:** In view of my findings on Point No.1, I proceed to pass the following:

ORDER

The I.A.No.II filed under Sec.24 of Hindu Marriage Act by the respondent is hereby partly allowed.

The petitioner shall liable to pay interim maintenance of Rs.5,000/- per month from date of this order to the respondent.

No order as to costs.

(Dictated to the stenographer directly on computer, computerized by her, corrected and then pronounced by me in the open court on this the 10th day of August, 2026)

(Anil Prakash M.P.)
Senior Civil Judge & J.M.F.C.,
Bantwal, D.K.