

KADW400003962024



**IN THE COURT OF CIVIL JUDGE & JMFC, KUNDGOL**

**PRESENT**

**Smt. Gayatri., B.Com.LL.M.(IPR)  
Civil Judge & JMFC., Kundgol.**

**Dated 01<sup>st</sup> day of April 2025**

**CRL. MIS.46/2024**

**Petitioner** :: Smt. Sangeeta W/o. Gurusiddappa  
Puttappanavar.

**-V/s-**

**Respondent** :: Sri. Gurusiddappa S/o. Gurupadappa  
Puttappanavar.

**ORDER**

IA. No.1 is filed by the Applicant/ Petitioner U/Sec.144(2) of BNSS praying for grant of interim maintenance to the tune of Rs.10,000/- along with Court costs.

**2.** Per Contra, learned counsel for Respondent has filed objections to main petition and has prayed for considering the same as objection to IA No.1 and prayed for dismissal of application with exemplary costs.

3. In compliance of decision of Hon'ble Apex Court in Neha V/s Rajnish both the parties have filed their respective affidavits disclosing Assets and Liabilities.

4. Heard and perused.

5. The following points arise for this Court's consideration.

**1) Whether the Applicant/ Petitioner proves that she is entitled for interim maintenance?**

**2) What Order?**

6. This Court findings on the above points for consideration are as under:

Point No.1: **Partly in the affirmative.**

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

### **REASONS**

7. **POINT NO.1:**

The petitioner submits that, her marriage with respondent held on 15.02.2015 in Baad village, Shiggaon taluka as per Hindu rituals.

8. She further alleged that, at the time of her marriage with Respondent her parents incurred huge expenses and towards varopachara gave 10 tholas of gold, Rs.1,00,000/- cash and

Rs.10,000/- worth cloths. She has led matrimonial life with Respondent only for 4 to 5 year. Later, the Respondent along with his brother were harassing her physically and mentally by demanding further dowry from her parents. The Respondent along with his brothers use to scold her in abusive language and use to assault her and also use to keep her on fasting. She with a hope that one or other day her life will be set right use to tolerate all the acts of Respondent.

**9.** She further alleged that, later the Respondent use to quarrel with Petitioner saying that you have no issues and you are infertile and unable to give birth to a child, give me your signature on Divorce paper and I will marry another women when she did not agree at that time he under the said guise use to assault her physically and cause mental harassment to her and also not provided medical assistance to her.

**10.** She further alleged that, the Respondent is having agricultural land in Baad Village, Shiggaon taluka in Re. Sy. No.88/3 measuring 04 acres, 30 guntas he is drawing Rs.4,00,000/- per year. The Respondent is also having Dairy farming and getting annual income of Rs.2,00,000/-, in spite of that he has neglected her by not providing her with day to day legal necessities. She is unable to maintain herself by meeting her day to day expenses, as such has prayed for interim maintenance of Rs.10,000/- towards the monthly maintenance.

**11.** The Respondent has filed his detailed objections denying all the allegations those made by Petitioner in her petition. He has contended that, it is the Petitioner who is defaulter and at no point of time he along with his brothers has harassed her in a manner alleged by Petitioner in her petition. There is no cause of action arose for the Petitioner to file the present Petition against him. The Petitioner has alleged that, the Respondent is having sufficient source of income and in spite of he has not taken care of her, but the Respondent has submitted that, it is he who taking care of her by providing her with regular medical assistance. It is also the contention of the Respondent that, he has taken care of her in a proper manner. It was the Petitioner after she joining him in matrimonial home after few days due to her physical ill health called her father by phone. The Petitioner against the wish of Respondent and his family members has left matrimonial home and went with her father. She has also informed the Respondent that she will not return to matrimonial home until the Respondent will arrange for their separate stay. It is also told by her that he has to leave his parents and sister and on the said condition she is going to rejoin him. He has also contended that, during the ill health of the Petitioner it is he who took her to Haveri, Hubballi, Bengalore and Shivamogga for treatment. He has also produced the medical document for the perusal of this Court.

**12.** At the initial stage of proceedings matter was refereed to mediation, but mediation failed. It is admitted by Respondent that the Petitioner is in need of medical assistance and he has taken care of her by providing medical assistance to her by regular visits to hospital, but it is the allegations of Petitioner that it is her father who has taken care of her by providing medical assistance to her. The matter is in its initial stage yet the inquiry is to be conducted.

**13.** The respective parties have filed their affidavits disclosing their Assets and Liabilities. The Respondent is holding land in Re. Sy. No.88/3 measuring 04 acre 30 guntas as alleged by the Petitioner. The Petitioner has not filed her affidavit stating Assets and Liabilities. As this Court has already observed that, matter is in its initial stage and at this stage it is for the Court to consider whether there exists prima-facie grounds for the Petitioner to claim interim maintenance from Respondent. It is the bounden duty of husband to take care of wife. The reason for Petitioner not willing to join the Respondent in matrimonial home is yet to be known and it will be clear only after inquiry in to the matter.

**14.** On perusal of application averments and the medical documents it is clear that at this stage the Petitioner is in need of regular medical assistance and for which it is necessary for her to get some medical charges to be bared by the Respondent.

15. As per Sec.125 of Cr.P.C which reads as under.

***If any person having sufficient means neglects or refuses to maintain;***

- (a) his wife, unable to maintain herself, or***
- (b) his legitimate or illegitimate minor child, whether married or not, unable to maintain itself, or***
- (c) his legitimate or illegitimate child (not being a married daughter) who has attained majority, where such child is, by reason of any physical or mental abnormality or injury unable to maintain itself, or***
- (d) his father or mother, unable to maintain himself or herself,***

It is the bounden duty of Respondent to take care of Petitioner. Hence, this Court holding Petitioner entitled to claim maintenance from Respondent without further discussion proceeds to answer this point accordingly.

**16. POINT NO.2:**

In view of above discussion and the reasons stated therein this Court proceeds to pass the following:

**ORDER**

The application filed by Petitioner U/Sec.144(2) of BNSS is hereby partly allowed with costs.

Respondent is hereby directed to pay monthly interim maintenance of Rs.2,000/- to

Petitioner and Rs.1,000/- towards the medical assistance of the Petitioner until disposal of Petition.

[Dictated to the Stenographer, directly on the computer. Corrected and then pronounced by me in the Open Court on this the 01<sup>st</sup> day of April 2025)

Sd/-  
(Smt. Gayatri)  
Civil Judge & JMFC.,  
Kundgol.