

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

**CrI. Misc. No.94/2020**

**Dated this the 19<sup>th</sup> day of April 2023**

**Present : Sri. Santhosh M.S.**

**B.A., LL.B., (Hons); LL.M.,**

**Civil Judge and JMFC., Navalgund.**

Petitioner : 1. Smt. Uma @ Venkamma  
W/o. Vinodraddi Kuchanoor,  
Age: 23 years, Occ: Household work,  
R/o: Hosur, Tq : Babaleshwar,  
Now residing at Javoor,  
Tq: Navalgund, Dist: Dharwad.

(By Sri. HSD., Advocate)

**Versus**

Respondent : 1. Sri. Vinodraddi  
S/o. Govindappa Kuchanoor,  
Age: 32 years, Occ: Private Job,  
R/o: Hosur, Tq : Babaleshwar,  
Dist: Vijayapur.

(By Sri. RMR., Advocate)

**PARTIES TO I.A.**

Applicant : 1. Smt. Uma @ Venkamma  
W/o. Vinodraddi Kuchanoor

**Versus**

Opponent : 1. Sri. Vinodraddi  
S/o. Govindappa Kuchanoor

**ORDERS ON I.A. FILED BY THE PETITIONER UNDER  
SECTION 125(2) OF CR.P.C.**

The petitioner has filed this petition seeking for an order of maintenance of Rs.20,000/- per month to be paid by the respondent. She has also filed I.A. seeking interim maintenance of Rs.10,000/- per month from the date of petition till disposal of this case.

2. It is the case of petitioner that on 14.05.2017 the respondent married the petitioner at the house of respondent behind Nandi Sugar Factory of Hosur village in Vijayapur taluka as per Hindu rites and customs. After marriage difference of opinion arose between both the parties and the petitioner was subjected to cruelty and harassment. The respondent demanded to petitioner to get dowry. The good advise of elders was not heeded by the respondent. The respondent owns agricultural lands more than 20 acres which are irrigated and he is an employee working as Mechanic at Nandi Sugar Factory with salary of Rs.30,000/- per month. Contending that the respondent has income from these agricultural lands of more than 30,00,000/- to 35,00,000/- per year, the petitioner has contended that the petitioner is neglected by the respondent. As such she has taken shelter at her parental house and the respondent has failed in taking care of her. Hence, she has prayed for the relief as mentioned above.

3. The respondent has opposed the claim of petitioner by denying the contentions as well as allegations made against him. It is his case that the petitioner went to her parental house on the ground of ill health. Thereafter she did not return to the house of respondent and she impose conditions to the respondent to provide for a separate house for residence. He has alleged that ever since 27.11.2019 the petitioner has not returned to the house of respondent. Hence, he has issued legal notice dated 17.03.2022 asking the petitioner to join him. It was not fruitful. As such he has filed petition seeking restitution of conjugal rights before the Hon'ble First Additional Principal Judge, Family Court, Vijayapur in M.C.No.125/2020. Contending that the petitioner is at fault and that there is no mistake on the part of respondent. Hence, he has prayed for rejection of the application and main petition.

4. Heard both sides. Perused the entire materials placed on record. The following points arise for my consideration which are as under;

**POINTS**

1. Whether the petitioner is entitled for the interim order as sought for?
2. What Order?

5. My findings on the above said Points are as hereunder:-

Point No.1 :In the **Negative**,

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

**REASONS**

6. **Point No.1:** During the course of hearing learned counsel for the respondent has filed memo dated 03.03.2023 with copy of final order passed by the Hon'ble First Additional Principal Judge, Family Court, Vijayapur on 08.12.2022 in M.C.No.125/2020. The said case is instituted by the respondent against petitioner herein seeking decree of restitution of conjugal rights. In the said case the petitioner appeared through her advocate and on hearing both sides the said Hon'ble Court was pleased to direct the petitioner to joint the company of respondent herein for discharging marital obligations within a period of 30 days from the date of the decree. In view of the said order which is passed in the presence of petitioner in the present case, the petitioner herein is bound to comply the said order. As such without complying the said order claim for order of maintenance is not in accordance with law. No justifiable reasons are made out by the petitioner at this point of time to grant interim order contrary to the directions contained in the judgment dated 08.12.2022 passed in M.C.NO.125/2020. As

such the interim application for maintenance is merit-less and it is liable to be rejected. Hence, I answer point no.1 in the **Negative**.

10. **Point No.2:** For the reasons discussed above, I proceed to to pass the following;

**ORDER**

*The I.A. filed by the petitioner under Section 125(2) of Cr.P.C., is hereby **rejected**.*

*For petitioner evidence, Call on 14.06.2023.*

(Dictated to the stenographer, transcribed and typed by her, the transcript revised, corrected and then pronounced by me in the Open Court on this **19.04.2023**).

(Santhosh M.S.)  
Civil Judge and J.M.F.C.,  
Navalgund.

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