



1 **Crl.Misc.No.10/2025**
IN THE COURT OF THE CIVIL JUDGE AND

JMFC, AT: BYADGI

Present: Sri. Suresh Wagganavar, MA. LL.B., (Spl)

Civil Judge & JMFC, Byadgi.

Dated this the 20th day of August- 2025

Criminal Misc.No.10/2025

1. Smt Deepa W/o Guddappa Suranagi
Age: 28 years, Occ: Household work,
R/o:Yalavigi, Tq: Savanur,
Now residing at C/o Sankappa Sankanagoudra,
R/o: Timmenahalli, Tq: Byadgi, Dist: Haveri.
2. Anil S/o Guddappa Suranagi
Age: 05 years, Occ: Nil,
R/o:Yalavigi, Tq: Savanur,
Now residing at C/o Sankappa Sankanagoudra,
R/o: Timmenahalli, Tq: Byadgi, Dist: Haveri.
3. Anvita D/o Guddappa Suranagi
Age: 03 years, Occ: Nil,
R/o:Yalavigi, Tq: Savanur,
Now residing at C/o Sankappa Sankanagoudra,
R/o: Timmenahalli, Tq: Byadgi, Dist: Haveri,
Since petitioner No.2 and 3 are minors and
their M/G R/by: petitioner No.1.

(By Sri.M.H.K., Advocate)

.....PETITIONERS:



V/S

Guddappa S/o Budappa Suranagi
Age: 39 years, Occ: Agriculture,
R/o: Bhajani Oni, Yalavigi, Tq: Savanur,
Dist: Haveri.

(By Sri.J.S.G., Advocate)

.... RESPONDENT:

PARTIES TO THE IA NO.I

1. Smt Deepa W/o Guddappa Suranagi
Age: 28 years, Occ: Household work,
R/o:Yalavigi, Tq: Savanur,
Now residing at C/o Sankappa Sankanagoudra,
R/o: Timmenahalli, Tq: Byadgi, Dist: Haveri.
2. Anil S/o Guddappa Suranagi
Age: 05 years, Occ: Nil,
R/o:Yalavigi, Tq: Savanur,
Now residing at C/o Sankappa Sankanagoudra,
R/o: Timmenahalli, Tq: Byadgi, Dist: Haveri.
3. Anvita D/o Guddappa Suranagi
Age: 03 years, Occ: Nil,
R/o:Yalavigi, Tq: Savanur,
Now residing at C/o Sankappa Sankanagoudra,
R/o: Timmenahalli, Tq: Byadgi, Dist: Haveri,
Since petitioner No.2 and 3 are minors and
their M/G R/by: petitioner No.1.

.... Applicants/Petitioners



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VS

Guddappa S/o Budappa Suranagi
Age: 39 years, Occ: Agriculture,
R/o: Bhajani Oni, Yalavigi, Tq: Savanur,
Dist: Haveri.

.... Opponent/respondent

ORDER ON IA.NO.I

1. The respondent has filed application U/Sec.144(2) of BNSS, by seeking prayer for interim maintenance of Rs.4,000/-each to the petitioners per month.

2. In the petition, petitioners have stated that, petitioner No.1 and respondent are the husband and wife. Petitioners are the resident of Timmenahalli village of Byadgi Taluk. The marriage of petitioner No.1 and respondent was solemnized on 09.05.2016 at Basaveshwar Temple Yalavigi in the presence of elders of



villagers. The petitioner No.1 and respondent spent their matrimonial life only 5-6 months, then respondent started to harass the petitioner No.1 physically and mentally. That the respondent is neglected the petitioners and he has not provide any maintenance to their for food, cloth etc., Hence, prays to allow the interim application.

3. Per contra the respondent has appeared through his counsel and filed objection to the main petition and filed memo. Wherein it is contended that the petition filed by the petitioners is false, frivolous and not maintainable either under law or on fact. The relationship between petitioners and respondent is admitted. The respondent is not neglected the petitioners. The respondent is not give harassment to the petitioners. The respondent is not having any movable or immovable properties. The respondent is no capacity to work. The petitioner No.1



herself went to her parental house. The respondent is no income to maintain petitioners. Hence, prays to reject the application.

4. Heard, argument from petitioners side, in view of the material placed before me and the rival contention raised by the parties. The following points have arisen for my consideration;

P O I N T S

1. Whether the applicants/petitioners have made out a sufficient and satisfactory ground to allow this interim application?

2. What order ?

5. My answer to the above points are as under;

Point No1 : In the Partly Affirmative.

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



REASONS

6. Point No.1:- The relationship in between the petitioners and respondent is not disputed. On perusal of the materials placed before this court it shows that the petitioner No.1 and respondent are the wife and husband.

7. This court must take into consideration the status of the respondent and the capacity of the respondent to pay maintenance. The petitioner has filed a petition U/sec. 144 of BNSS., alleging cruelty and torture towards the petitioner and the respondent has totally neglected the petitioners for not giving any maintenance. The petitioners contended that the respondent is having income of Rs.2-3 lakh per year. The respondent has own 8 acre of land, tractor and other materials. To prove the above said contention, the petitioners have produced record of right of RS.No.192/2A, RS.No.191/1C and RS.No.191/1B of



Yalavigi village. On perusal of above said documents, it prima facie shows that the above said property is standing in the name of father of respondent. The father of respondent had own approximate 07 acres. The petitioners have not produced any document to show the respondent has earning amount of Rs.2-3 lakh per year. In the absence of documents at this stage to difficult the respondent has sufficient income to maintain the petitioners. But this court held that the duty of respondent to maintain his wife and children as per his status. However, in the Indian Society the bounded duty of respondent is that maintain his wife and children. But this Court has come to conclusion that, minimum interim maintenance is ordered no hardship to the respondent. Therefore in the light of above said discussion. If an order of interim maintenance is not passed petitioners will be put to hardship and in convenience, but if an amount of



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Rs.4,000/-each is granted as interim maintenance without conclude evidence, he may also be put to hardship and inconvenience. Therefore this court is of the opinion that to order interim maintainable of Rs.1500/- each to petitioners in the interest of natural justice. Accordingly, I answer the **Point No.1 in the Partly Affirmative.**

8. Point No.2:- For the aforesaid reasons, this court proceeds to pass the following;

ORDER

The interim application No.I filed by the petitioners U/Sec.144(2) of BNSS., is hereby allowed in part.

The respondent is hereby directed to pay interim monthly maintenance of Rs.1500/- each (One thousand five hundred only) to petitioners per month from the date of petition

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till disposal of main petition.

No order as to costs.

(Dictated to the stenographer, directly on computer typed by her, corrected, and then pronounced by me in the open court on this the **20th day of August, 2025**)

Sd/-
(SURESH WAGGANAVAR)
Civil Judge & JMFC,
Byadgi.