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Crl.Misc.No.78/2021

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 01st day of March- 2025

Criminal Misc.No.78/2021

1. Smt.Purnima @ Nirmala W/o Manjunath Sullolli
R/o: Dharwad, Tq: and Dist: Dharwad,
Now residing at Kakol Road Byadgi, Tq: Byadgi,
Dist: Haveri and another one.

(By Sri.N.S.B., Advocate)

.....PETITIONERS:

V/S

Manjunath S/o Punyavantappa Sullolli.

(By Sri.I.V.P., Advocate)

.... RESPONDENT:



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PARTIES TO THE IA NO.I

1. Smt.Purnima @ Nirmala W/o Manjunath Sullolli.
2. Kirti D/o Manjunath Sullolli
 Since minor M/G represented by her natural
 mother Smt.Purnima @ Nirmala Sullolli.

.... Applicants/Petitioners

VS

Manjunath S/o Punyavantappa Sullolli.

.... Opponent/Respondent

ORDER ON IA.NO.I

1. The petitioners have filed application U/Sec.125 (1) of Cr.PC, by seeking prayer for interim maintenance of Rs.25,000/- to the petitioners per month.
2. In the petition, petitioner No.1 has stated that, petitioner No.2 is the minor child and respondent and petitioner No.1 are the husband and wife. Petitioners are



the resident of Kakol village of Ranebennur Taluk. The marriage of petitioner No.1 and respondent was solemnized on 10.05.2006 at Byadgi Town of Byadgi Taluk. The petitioner No.1 and respondent during their matrimonial life, the 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 them for food, cloth etc., Hence, prays to allow the interim application.

3. Per contra the respondent appeared through his respective counsel and filed objection to main petition and filed memo. Wherein it is contended that the petitioner No.1 has filed this petition only to harass the respondent. The respondent has never neglected the petitioner No.1. The mother of respondent is old aged person. The respondent is look after the old aged mother. The respondent has spend the payment to his family for daily



expenses. The respondent has spend the medical expenses towards Jagadeesh. The respondent has paid monthly rent of Rs.8,000/-. The petitioner No.1 has suo-moto residing her parental house. The petitioners family have well income and the petitioner No.1 has get income per month 22-25 lakh. The respondent has look after the petitioner No.2 for her cloth and education expenses. Hence, prays to reject the application.

4. Heard, arguments 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.2 is the minor child of petitioner No.1 and respondent.

7. The learned counsel for petitioners argued that the bounded duty of the respondent is to maintain his wife and children. The respondent has neglected the petitioners. Hence, prays to allow the interim application.

8. This court must take into consideration the status of the respondent and the capacity of the respondent to pay



maintenance. The petitioners have filed a petition U/sec. 125 of Cr.PC., alleging cruelty and torture towards the petitioners and the respondent has totally neglected the petitioners for not giving any maintenance. The petitioners contended that the respondent is working News Department. To prove the above said contention, the petitioners have produced salary slip of respondent. On perusal of salary slip, it prima facie shows that in the month of March-2024 the respondent get gross salary of Rs.1,02,985/-. After deducting the recoveries, the respondent has get salary of Rs.75,175/-. Therefore, prima facie shows the respondent has sufficient income to maintain the petitioners at this stage. It is pertinent to note here 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 maintenance is ordered no hardship to the respondent. The respondent has not produced any single documents to show he has paid medical expenses to his family and maintain his family. In the absence of documentary evidence, the version of respondent is not believable at this stage. 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 Rs.25,000/- 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.20,000/- to petitioners in the interest of natural justice. Accordingly, I answer the

Point No.1 in the Partly Affirmative.

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



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ORDER

The interim application No.I filed by the petitioners U/Sec.125(1) of Cr.P.C., is hereby allowed in part.

The respondent is hereby directed to pay interim monthly maintenance of Rs.20,000/- (Twenty thousand only) to petitioners per month from the date of this order 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 **01st day of March, 2025**)

(SURESH WAGGANAVAR)
Civil Judge & JMFC,
Byadgi.