



THE COURT OF THE CIVIL JUDGE AND JMFC.,
AT HANGAL

PRESENT: Smt.Aishwarya Chidanand Pattanshetti, B.COM, LL.M.,
Civil Judge & J.M.F.C., Hangal.

Crl.Mis.No.102 of 2025

DATED THIS THE 13th DAY OF JULY – 2026

Petitioners	1	Smt.Shridevi W/o Ramachandra Bhajantri, Age: 33 years, R/o Sannakarti Pala, Tq: Mundagoda. Dist: Uttar Kannada. Presently residing at Inam Lakmapura, Tq: Hangal, Dist: Haveri.
	2	Shrushti D/o Ramachandra Bhajantri, Age: 11 years, R/o Sannakarti Pala, Tq: Mundagoda. Dist: Uttar Kannada. Presently residing at Inam Lakmapura, Tq: Hangal, Dist: Haveri.
	3	Shreya D/o Ramachandra Bhajantri, Age: 10 years, R/o Sannakarti Pala, Tq: Mundagoda. Dist: Uttar Kannada. Presently residing at Inam Lakmapura, Tq: Hangal, Dist: Haveri.
	4	Hanumant S/o Ramachandra Bhajantri, Age: 7 years, R/o Sannakarti Pala, Tq: Mundagoda. Dist: Uttar Kannada. Presently residing at Inam Lakmapura, Tq: Hangal, Dist: Haveri.
	5	Manju S/o Ramachandra Bhajantri, Age: 5 years, R/o Sannakarti Pala, Tq: Mundagoda. Dist: Uttar Kannada. Presently residing at Inam Lakmapura, Tq: Hangal, Dist: Haveri.



	6	Meghana D/o Ramachandra Bhajantri, Age: 4 years, R/o Sannakarti Pala, Tq: Mundagoda. Dist: Uttar Kannada. Presently residing at Inam Lakmapura, Tq: Hangal, Dist: Haveri.
		(Petitioner No.2 to 6 are minors represented by their mother i.e., petitioner No.1)
		(By Kum.P.S.Patil – Adv.)

V/s.

Respondent		Sri.Ramachandra S/o Hanumanthappa Bhajantri, Age: 36 years, Occ: Agriculturist and mestri work R/o Sannakarti Pala, Tq: Mundagoda, Dist: Uttar Kannada.
		(Absent)

(Smt.Aishwarya Chidanand Pattanshetti)
Civil Judge & JMFC.,
Hangal.

ORDERS ON PETITION FILED U/S 144 OF BNSS

The petitioners have filed present petition under section 144 of BNSS seeking grant of maintenance of Rs.5,000/- to the petitioner No.1, Rs.3,000/- each to the petitioner No.2 to 6 from the respondent.



2. The brief facts of the petitioners' case are as follows:-

(a) The petitioner No.1 is legally wedded wife of respondent and their marriage solemnized as per Hindu Rites and Rituals on 19-12-2012 in front of house of the respondent in the presence of elders of the village. At the time of marriage the respondent was given cash of Rs.50,000/-, ½ tola gold, utensils and thereafter, the petitioner No.1 led marital life with the respondent for the period of one year only. Further, a female child (petitioner No.2) is born out of the wedlock of the petitioner No.1 and respondent and due to the birth of female child the respondent started to harass the petitioner No.1 physically, mentally and also without providing basic necessities.

(b) During the year 2015, the petitioner No.1 became pregnant and at that time also another female child (petitioner No.3) was born out of the wedlock of the petitioner No.1 and respondent and due to birth of a female child, the respondent again started to harass the petitioner No.1 physically, mentally and also without providing basic necessities.

(c) During the year 2018, the petitioner No.1 became pregnant and at that time one male child (petitioner No.4) was born out of the wedlock of the petitioner No.1 and



respondent and at that time the respondent has taken care of the petitioner No.1 with care only for few days and thereafter, the petitioner No.1 become ill-health but the respondent intent to have another male child. As such, during the year 2020 another one male child (petitioner No.5) was born and thereafter, the respondent No.1 has started to assault petitioner No.1 without providing any basic necessities to petitioner No.1 and her children.

(d) Again during the year 2021 the petitioner No.1 became pregnant and at that time one female child (petitioner No.6) was born and thereafter, the respondent did not bring back the petitioner No.1 to 6 to the matrimonial house. But thereafter, the petitioner No.1 went to lead life with respondent in the matrimonial house but the respondent did not take care of the petitioners by providing basic necessities. Further, the respondent is addicted to the bad habit of alcohol and also harassed the petitioner No.1 to bring money from the parental house and started to abuse her with filthy language and also assaulted with a wooden club and did not take care of the children with love and affection. In-spite of it, the petitioner No.1 was leading life with respondent with fond hope that, the respondent may rectify his mistake in future.

(e) Recently about 10 months ago, the respondent has assaulted the petitioner No.1 and thrown out the petitioner



No.1 to 6 from the matrimonial house. As such, without any alternative, the petitioner No.1 left the matrimonial house and she leading life in the parental house along with the petitioner No.2 to 6. Now the petitioner No.1 has no source of income to lead her life and also to provide education to the children. Till today the respondent has not taken care of the petitioner No.1 to 6 and also did not provide any basic necessities.

(f) On the other hand, the respondent is having property of 4 acres of land and growing maize, mango and other crops and getting yearly income of Rs.4,00,000/- to Rs.5,00,000/- and the respondent is also working as mestri in Mangaluru and other places and as such, the respondent is earning monthly of Rs.30,000/- to 35,000/- and in total the respondent is having yearly income of Rs.10,00,000/-. In spite of the said earning the respondent did not provide basic necessities to the petitioner No.1 to 6.

(g) It is stated that the parents of the petitioner No.1 are coming from a poor family and the petitioner No.1 is not employed and as such, the petitioner No.1 to 6 are leading life under miserable circumstances. Therefore, the respondent is under obligation and capacity to pay monthly maintenance to the tune of Rs.5,000/- (Five Thousand) per month for petitioner No.1 and to the tune of Rs.3,000/- (Three Thousand) per month each for petitioner No.2 to 6



respectively. On the said grounds, it is prayed to allow the petition.

2. The notice on the main petition was duly served on the respondent, who remained absent before the Court and was placed as exparte.

3. Heard the arguments of counsel for the petitioners. Perused all the materials made available on record at this stage.

4. The points that would arise for consideration of this court are as follows:-

POINTS

1. Whether the petitioner No.1 proves that the respondent having sufficient means has neglected them without providing sufficient means for livelihood without any reason?

2. Whether the petitioners are entitled for monthly maintenance as sought in the petition from the respondent?

3. What order?

5. In order to prove her contentions, the petitioner No.1 has examined herself as PW-1 and got marked Ex.P1 to Ex.P13 documents. As the respondent was placed as exparte



the cross examination of PW-1 was taken as Nil. And as there was no further petitioners' side evidence the matter was posted for arguments.

6. Heard the arguments of counsel for the petitioners and perused oral and documentary evidence on record.

7. The findings of this Court on aforesaid points are as follows:-

Point No.1 : In Affirmative

Point No.2 : In the Partly Affirmative

Point No.3 : As per final order for following:-

REASONS

8. **Point No.1**:- At the outset, the petitioners have filed this petition U/s.144 of Cr.P.C., seeking monthly maintenance to the tune of Rs.5,000/- per month (Five Thousand) for the petitioner No.1 and to the tune of Rs.3,000/- per month (Three Thousand) each for petitioner No.2 to 6 from the respondent towards their maintenance in total Rs.20,000/- per month.

9. U/s.144 of BNSS., the jurisdictional Magistrate of first class upon proof of sufficient means and refusal and negligence to maintain the wife, minor children, whether



legitimate or illegitimate and father and mother, they are unable to maintain themselves, has authority to grant monthly maintenance depends upon facts and circumstances of the case and also having due regard to the social status of the parties and their income.

10. Ex.P1 & Ex.P2 are the Marriage photographs of the petitioner No.1 and the respondent, Ex.P3 to Ex.P7 are the notarized copies of Aadhaar cards of the petitioners, Ex.P8 to Ex.P12 are the notarized copies of Birth Certificates of the petitioner No.2 to 6 and Ex.P13 is the copy of RTC of Sy.No.51/B5. In Ex.P3 in the notarized copy of the Aadhaar card of the petitioner the name of the husband is mentioned as Ramachandra and in Ex.P4 to Ex.P7 the name of the father is mentioned as Ramachandra Bajantri.

11. As it is appearing and forthcoming in the rival contentions, it is undisputed fact that, the petitioner No.1 is legally wedded wife of respondent. Their marriage is further corroborated through undisputed Ex.P1 and Ex.P2 Marriage Photographs. Further there is no dispute that the petitioner No.2 to 6 are born out of the wedlock of the petitioner No.1 and the respondent.



12. As per disputed facts between the petitioner No.1 and respondent, on an account of repeated alleged physical and mental cruelty caused by the respondent and to that effect the petitioners being thrown out from the matrimonial house is primary reason to live separately in the parental house. Further it is very unfortunate that the respondent has blamed the petitioner No.1 for giving birth to female children and subjecting her to both mental and physical cruelty. Such kind of taunts for a wife who is the mother of five children is also one form of cruelty.

13. It is pertinent to note that, in the event if the petitioner No.1 has left the matrimonial home voluntarily without valid reason then the respondent would have filed petition for restitution of conjugal rights U/s.9 of Hindu Marriage Act of 1955 compelling petitioner No.1 to extend marital relationship with him. No such efforts were put by the respondent. Further there are no satisfying reasons that how a father can stay away from his five children of tender age. There is nothing on record to disbelieve the testimony of PW.1 and the prima facie facts, evidence on record and circumstances of the case clearly indicate that the respondent has neglected petitioners and refused to maintain them inspite of having sufficient means. Accordingly, point No.1 is answered in the affirmative.



14. **Point No.2:-** In so far as grant of quantum of monthly maintenance is concerned, the petitioner No.1 has stated that the respondent is having property of 4 acres of land and growing maize, mango and other crops and getting yearly income of Rs.4,00,000/- to Rs.5,00,000/- and the respondent is also working as mestri in Mangaluru and other places and as such, the respondent is earning monthly of Rs.30,000/- to 35,000/- and in total the respondent is having yearly income of Rs.10,00,000/- and in spite of the said earning the respondent did not provide basic necessities to the petitioner No.1 to 6.

15. In support of aforesaid income of the respondent, the petitioner No.1/PW-1 has relied on Ex.P13 the RTC of Sy.No.51/B5 measuring 4 acres situated at Kallakoppa Pala, Mundgod Taluk standing in the joint name of the respondent and other family members and the mode of possession is mentioned as MR.H18/2017 – 2018 dated 29.05.2018 by pouthi. Which shows that the said property is not standing in the name of the respondent independently and there is no evidence on record to show how much the agricultural income and how much is income derived from the mestri work of the respondent. The petitioner No.1 has sought for monthly maintenance to the tune of Rs.5,000/- per month (Five Thousand) for herself and to the tune of Rs.3,000/- per month (Three Thousand) each for petitioner No.2 to 6 from the



respondent towards their maintenance in total to the tune of Rs.20,000/- per month, which is quite exaggerated and looking to the present circumstances and the cost of living it would be appropriate to award maintenance of Rs.3,000/- per month to the petitioner No.1 and Rs.2,000/- per month to the petitioner No.2 to 6 each. Accordingly, the point No.2 is answered in the partly affirmative.

16. **Point No.3**:- In view of aforesaid reasons and discussions, this Court has proceeded to pass the following:-

ORDER

The petition filed by the petitioners U/s.144 of BNSS., against the respondent is hereby partly allowed.

Consequently, the respondent is hereby directed to pay monthly maintenance of Rs.3,000/- (Three Thousand) to the petitioner No.1 from the date of petition till her lifetime or until she remarries.

Further, the respondent is hereby directed to pay monthly maintenance



of Rs.2,000/- (Two Thousand) each to the petitioner No.2, 3, 6 from the date of petition till their marriage.

Further, the respondent is hereby directed to pay monthly maintenance of Rs.2,000/- (Two Thousand) each to the petitioner No.4 and 5 from the date of petition till attain majority.

U/s. 147 of BNSS., issue copy of order at free of cost to the petitioners.

(Dictated to Stenographer, directly typed by him on computer, once revised, corrected and later initialed by me and then pronounced by me in the open court on this the 13th day of July - 2026)

**(Smt.Aishwarya Chidanand Pattanshetti)
Civil Judge & JMFC.,
Hangal.**

: A N N E X U R E :

List of witness examined on behalf of petitioners:-

PW-1: Smt.Shridevi W/o Ramachandra Bhajantri 20-05-2026

List of witness examined on behalf of respondent:-

-----NIL-----

**List of documents exhibited on behalf of petitioners:-**

Ex.P1 & Ex.P2 : Marriage photographs

Ex.P3 to Ex.P7: Notarized copies of Aadhaar cards

Ex.P8 to Ex.P12: Notarized copies of Birth Certificates

Ex.P13 : RTC of Sy.No.51/B5

List of documents exhibited on behalf of respondent :-

-----NIL-----

(Smt.Aishwarya Chidanand Pattanshetti)
Civil Judge & JMFC.,
Hangal.