

**IN THE COURT OF THE CIVIL JUDGE AND JMFC, AT:**  
**SHIGGAON**

**Present:** Ashwinichandrakanth  
B.Sc., LL.B.  
Civil Judge and J.M.F.  
Shiggaon.

Dated this the 29<sup>h</sup> day of July 2024

**Criminal Misc.No.122/2024**

1. Smt.Nirmala @ Rajeshwari W/o Mahantayya Hiremath, Age: 40 years, Occ: Household work,
2. Kumari.Sneha D/o. Mahantayya Hiremath, Age: 12 years,
3. Kumari.Neha D/o. Mahantayya Hiremath, Age: 03 years,
4. Kumarswami S/o. Mahantayya Hiremath, Age: 06 years,

All are now residing at Halebankapur,  
Tq.Shiggaon, Dist.Haveri.

(since respondents No.2 to 4 are  
the minors represented by their  
mother natural guardian of petitioner  
No.1)

**(By Sri. G.S.M., Advocate)**

**.....PETITIONERS:**

**V/s.**

Sri.Mahanthayya Jambayya Hiremath,  
Age: 42 years, Occ: K.S.R.T.C.,Driver,  
R/o: Hosa Neeralagi Hanumarahalli,  
Tq.Shiggaon, Dist.Haveri.

**.... RESPONDENT:**

**EXPARTE ORDER ON IA NO.I**

The petitioners have filed an application under Sec.144 of BNSS 2023, praying this court to pass an interim order directing respondent to make payment of Rs.40,000/- per month towards their maintenance till disposal of this case.

2. The 1<sup>st</sup> petitioner has filed an affidavit accompanying the said IA avering that, 1<sup>st</sup> Petitioner is the wife of Respondent and Petitioners No.2 to 4 are the children of the Respondent. The 1<sup>st</sup> Petitioner further stated that, their marriage was solemnized on 29.05.2011 at Hanumarahalli village of Shiggaon Taluk and husband has harassed her physically and mentally. She is now staying at her parents house and her

parents are poor and they are not capable of maintaining her and she has no other source of income and the respondent is financially well and he possess landed properties and he is working as Bus Driver in KSRTC Savanur Depo. and he has salary 55,000/- per month and respondent neglected in taking care of petitioners and thereby prays this court to allow the said application.

3. Heard the arguments adduced by the petitioner counsel and perused the materials placed on record.

4. On perusal of materials on record it appears that, the petitioner has averred in the petition and application affidavit that she is legally wedded wife of respondent and substantiate the same she has also produced the photographs, marriage invitation and Aadhar cards, Birth Certificates of Petitioners No.2 to 4 and also produced the RTC's of landed properties.

Therefore she is being the wife of respondent it is the bounded duty of respondent to maintain his wife. Further petitioner stated that, she is not able to maintain herself and that the respondent is not maintaining the Petitioners. She has filed declaration of assets and liabilities statement in this regard and thereby she is entitled to reasonable maintenance amount. Further whether the respondent has given harassment to the petitioner is contentious issue which can be decided only after trial. As the petitioner on perusal of records she is legally wedded wife of respondent therefore, she is entitled for the maintenance amount and hence I proceed to pass the following:

### **ORDER**

The respondent is hereby directed to make payment of interim maintenance of Rs.4,000/- per month to the petitioners from the date of this

application till further orders.

Issue notice of IA no I ,order of IA  
No.I and notice on main petition to the  
respondent R/by:13.09.2024.

(Dictated to the stenographer, directly on computer typed by her, corrected,  
and then pronounced by me in the open court on this the **06<sup>th</sup> August 2024**)

Civil Judge & JMFC,  
Shiggaon.