

KAKB220015632019



Presented on : 26-09-2019  
Registered on : 26-09-2019  
Decided on : 21-04-2022  
Duration : 2 years, 6 months, 25 days.

**IN THE COURT OF THE PRL.CIVIL JUDGE & JMFC,  
AT ALAND**

**PRESENT**

**SRI. CHANDRAKANTH, B.Com, LL.M.,**  
PRL.CIVIL JUDGE & JMFC,  
ALAND

**DATED THIS THE 21<sup>st</sup> DAY OF APRIL - 2022**

**CRL.MISC.NO.893/2019**

**PETITIONERS:**

1. Smt. Rizwana W/o. Abdul Shukur Choudari,  
Aged: 35 years, Occ: Housewife,  
R/o. Madeena Colony, Kalaburagi.  
Now residing at Sultanpur Galli, Aland,  
Dist: Kalaburagi.
2. Fasiya Jubeen D/o. Abdul Shukur Choudari,  
Aged: 10 years, Occ: Student,
3. Shamaila Nooreen D/o. Abdul Shukur Choudari,  
Aged: 08 years, Occ: Student,



4. Summaiya Almas D/o. Abdul Shukur Choudari,  
Aged: 05 years, Occ: Nil,
5. Md. Ibrahim S/o. Abdul Shukur Choudari,  
Aged: 01 years, Occ: Nil,  
Petitioners No.2 to 5 are minor U/G mother petitioner  
No.1 Smt. Rizwana W/o. Abdul Shukur Choudari,  
Aged: 35 years, Occ: Housewife,  
R/o. Madeena Colony, Kalaburagi.  
Now residing at Sultanpur Galli, Aland, Dist:  
Kalaburagi.

**(By Sri. B.S.Nimbargi, Advocate)**

**//Versus//**

**RESPONDENT:**

Abdul Shukur S/o. Md. Ismail Choudari,  
Aged: 45 years, Occ: Govt. Servant in Amrja Project,  
R/o. MSK Mill Madeena Colony, Kalabauragi.

**(By Sri. Durgappa.P.K, Advocate)**

**ORDER**

The petitioners have filed the petition under Section 125 of Cr.PC seeking monthly maintenance against the respondent for Rs.8,000/- to petitioner No.1 and Rs.3,000/- per month to petitioner No.2 to 5.



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

It is the case of the petitioners that, petitioner No.1 is legally wedded wife of respondent and their marriage taken place during the year 2008. Out of their wedlock four children are born. The petitioners No.2 to 5 are children of petitioner No.1 and respondent.

3. It is the allegation of petitioner No.1 against respondent that, upto 2018, the respondent lead happy married life with petitioner. After 2018, the respondent at the instigation of his family members started ill-treating the petitioner No.1 and drove her out of his house alongwith minor daughters and a son of the petitioner No.1.

4. Now the petitioner is residing separately, at Aland. The petitioners being wife and children of respondent entitle for maintenance. The respondent has failed to lookafter and maintain his wife and children and has neglected them. The respondent is a Government servant drawing Rs.35,000/- per month. Hence, petitioner No.1 is praying of Rs.8,000/- per



month for herself and Rs.3,000/- per month to each of the petitioners No.2 to 5. Hence, the petition.

5. After service of notice from this case, the respondent appeared through his counsel, but failed to file his objection to the petition, in spite of giving several opportunities. Hence, objection of respondent is taken as nil.

6. The petitioners in support of their case got examined petitioner No.1 as PW1 got marked Ex.P1 and Ex.P2 and closed their side. Since objection is not filed by respondent, respondent evidence is taken as nil.

7. Perused the materials available on record and heard the counsel for the petitioner.

8. After perusing the materials available on record the following Points arose for my determination:

### **POINTS**

1. Whether the petitioners prove that, the respondent has refused or neglected to maintain her, who is unable to maintain herself?



2. Whether the petitioners prove that, the respondent having sufficient means to pay the maintenance claimed by her?
3. Whether the petitioners are entitle for maintenance from the respondent?
4. Whether the petitioner No.1 is entitle for Rs.8,000/- per month and petitioners No.2 to 5 are entitle for Rs.3,000/- per month as maintenance from the respondent?
5. What Order?
9. My findings to the above Points are as under :
  - POINT NO.1** : In Affirmative.
  - POINT NO.2** : In Affirmative.
  - POINT NO.3** : In Affirmative.
  - POINT NO.4** : In Partly Affirmative.
  - POINT NO.5** : As per final order,

For the following:

### **REASONS**

10. **POINTS NO.1 TO 4:-** As these points are inter-linked one another, in order to avoid repetition of facts, I have taken these points together for common discussion.



The petitioners in support of their case examined petitioner No.1, the mother of other petitioners as PW1.

11. In the examination-in-chief, she reiterated all the averments made in her petition. She adduced that respondent being her husband subjected her to cruelty and torture at the instigation of his family members. The respondent during the year 2018, thrown her away alongwith her children. Since then she is residing at Aland. The respondent being husband of petitioner No.1 and father of petitioner No.2 to 5 is bound to maintain and look-after them. But the respondent has failed to do so. Hence, she prayed to grant her maintenance.

12. To counter the evidence putforth by the petitioners, the respondent has not filed any objection, inspite of giving several opportunities. Resultantly, the respondent failed to rebut the evidence putforth by petitioners. Non-filing of objection to the petition goes against the case of respondent and adverse inference can be drawn against the respondent.

13. Further the petitioner No.1 who is examined as PW1, in her examination-in-chief, she got marked Ex.P1 evidencing



the marriage of petitioner No.1 with respondent. Ex.P2 is the details of salary of respondent issued by AEE, KNNL, Amarja Project Sub-Division, Bhushnoor.

14. These documentary evidences putforth by petitioners goes to prove the marriage between petitioner No.1 and respondent. Further the document in Ex.P2 goes to prove that the respondent is a Government employee and he is drawing a salary of Rs.27,013/- per month and he is capable of maintaining petitioners.

15. In this case, the petitioners have claimed Rs.8,000/- per month to petitioner No.1 and Rs.3,000/- per month to petitioners No.2 to 5. But, on considering the standard of living of respondent and also considering the present cost of living, in my opinion Rs.3,000/- per month is sufficient to petitioner No.1 and Rs.2,000/- per month each is sufficient to petitioner No.2 to 5 towards their maintenance.



Therefore, in view of above discussions, I answer **Point No.1 to 3 in Affirmative and Point No.4 in Partly Affirmative.**

16. **POINT NO.5**:- In the result, I proceed to pass the following:

**ORDER**

The petition filed by the petitioners U/Sec.125 of Cr.P.C. is hereby allowed in-part.

The Respondent is hereby directed to pay monthly maintenance of Rs.3,000/- per month in favour of petitioner No.1 and Rs.2,000/- per month in favour of petitioner No.2 to 5, from the date of filing of the petition, till further orders of the court.

(Dictated to the Stenographer directly on computer, typed by him, **Order** corrected and signed by me, then pronounced by me in the Open Court on this the **21<sup>st</sup> day of April - 2022**)

**(CHANDRAKANTH)**  
**PRL.CIVIL JUDGE & JMFC,**  
**ALAND**



**ANNEXURES**

**List of the Witnesses examined on behalf of Petitioner:**

PW1 : Smt. Rizwana W/o. Abdul Shukur Choudari,  
R/o. Madeena Colony, Kalaburagi.

**List of the documents marked on behalf of Petitioner:**

Ex.P1 : Marriage Booklet,  
Ex.P1(a) : English translation of Ex.P1,  
Ex.P2 : Professional Tax Report(Salary details).

**List of the Witnesses examined on behalf of Respondent:**

-Nil-

**List of the documents marked on behalf of Respondent:**

-Nil-

Dated : 21-04-2022.

**(CHANDRAKANTH)  
PRL.CIVIL JUDGE & JMFC,  
ALAND**

Dictated on : 21-04-2022.  
Checked on : 21-04-2022.  
Signed on : 21-04-2022.

**(CHANDRAKANTH)  
PRL.CIVIL JUDGE & JMFC,  
ALAND**

Visit [ecourts.gov.in](https://ecourts.gov.in) for updates or download mobile app “eCourts Services” from Android or iOS