

KAKB220053622021



Presented on : 07-07-2021

Registered on : 07-07-2021

Decided on : --

Duration :

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

**PRESENT**

**KUMARI.SNEHA PATIL, B.A., LL.B, LL.M.,  
ADDL.CIVIL JUDGE & JMFC,  
ALAND**

**DATED THIS THE 8<sup>TH</sup> DAY OF FEBRUARY - 2023**

**CRL.MISC.NO.554/2021**

**PETITIONERS:**

1. Smt. Sangeeta W/o. Basavaraj Alankar,  
Aged: 37 years, Occ: Housewife,  
R/o. Bilgunda, Tq: Aland, Dist: Kalaburgi.
2. Ambika D/o. Basavaraj Alankar,  
Aged: 11 years,
3. Sharanabasappa S/o. Basavaraj Alankar,  
Aged: 09 years,
4. Bhagyashree D/o. Basavaraj Alankar,  
Aged: 07 years,



5. Shivaraj S/o. Basavaraj Alankar,  
Aged: 05 years,  
(The minor petitioners No.2 to 5 are represented  
through U/G of their natural mother, the petitioner  
No.1)

(By Sri. D.H.Hodlurkar, Advocate)

//Versus//

**RESPONDENT:**

Basavaraj S/o. Sangappa Alankar,  
Aged: 49 years, Occ: Business & Agri.  
R/o. Bilgunda, Tq: Aland, Dist: Kalaburgi.

(By Smt.Jyotilaxmi.S.Shetty, Advocate)

**ORDER**

The petitioners have filed this petition U/s.12 of Protection of Woman from Domestic Violence Act. Along with this petition, petitioner No.1 has filed I.A.No.I U/Sec.23 of Protection of Women from Domestic Violence Act for interim maintenance.

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

It is contended that, petitioner No.1 is the legally wedded wife of the respondent and petitioner No.2 to 5 are



minor children of petitioner No.1 and respondent. Petitioner No.1 is not able to maintain herself and petitioner No.2 to 5. The respondent physically and mentally abuses the petitioner No.1 and as thrown away the petitioners from his residential house. The respondent has not provided any monetary help in looking after herself and petitioner No.2 to 5. It is further stated that petitioners requires Rs.12,000/- per month for petitioners maintenance. The respondent is running a flour mill and chill powder machine. And stated that he fetches monthly income of not less than Rs.20,000/- and also has irrigated lands in the name of his father and receives not less than Rs.5,00,000/- income from the said lands. Hence, respondent is able to pay total monthly maintenance of Rs.15,000/- per month to the petitioners.

3. Further in the main petition, it is urged that respondent has deserted the petitioners and neglected to maintain them and started to give harassment mentally to the petitioners. The petitioners are in basic needs of food, shelter, clothing and medicine and prayed for grant of interim maintenance of Rs.12,000/- per month.



4. Respondent filed objections stating that petitioner No.1 is not the legally wedded wife of the respondent and has denied that petitioners No.2 to 5 are born out of wedlock between petitioner No.1 and respondent. And further contended that the petitioner No.1 is a Devadasi woman and is unknown to the respondent and also filed additional objections stating that the respondent got married to one Kalavati 40 years ago and have four children out of that marriage, hence, question of marrying petitioner No.1 does arise at all and contended that the document produced by the petitioner is bogus documents. The respondent is 59 years and suffering from health ailments and has no source of income. Hence, prayed for rejection of the said application.

5. Perused the materials available on record and heard the counsel for the petitioners.

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

#### **POINTS**

1. Whether the petitioners prove that the respondent has thrown away the petitioners



and is not providing them with any monetary health for their livelihood even though is capable of maintaining them?

2. Whether the petitioners are entitled to receive interim maintenance of Rs.12,000/- per month?

3. What Order?

7. My findings to the above Points are as under :

**POINT NO.1** : In Affirmative.

**POINT NO.2** : Partly Affirmative.

**POINT NO.3** : As per final order,

For the following:

### **REASONS**

8. **POINTS NO.1 AND 2:-** 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 filed I.A.No.I for grant of ad-interim order for monthly maintenance. In support of contents the petitioners have produced documents alongwith the main petition i.e. attested copy of the Aadhaar card of the petitioner in which name of the respondent reflects as the husband of petitioner No.1, also filed attested copy of the Aadhaar card of



respondent, petitioner also filed school records of petitioners No.2 & 3 reflecting name of the respondent has father and petitioner has mother of the petitioners No.2 and 3. The petitioner also filed RTC extracts of the lands in the name of respondent father, petitioners also filed photographs of flour mill and a house, in order to prove the relationship of respondent and petitioners and also the respondent having sufficient income to provide monthly maintenance. The petitioners also filed judgments of *Hon'ble Supreme Court of India in Bakulabai and another Vs. Gangaram and Another*, in which the Hon'ble Supreme Court has held that, even illegitimate children are entitled for maintenance under 125(1).

9. On perusal of the documents on record, it appears that respondent is the husband of petitioner No.1 and father of petitioner No.2 to 5 and proving the contrary is the subject matter of trial. It also appears that respondent is having sufficient means to maintain the petitioners. Hence, I answer point No.1 in Affirmative and point No.2 Partly Affirmative.



10. **POINT NO.3**:- In the result, I proceed to pass the following:

**ORDER**

Respondent is directed to pay interim maintenance of Rs.6,000/- to petitioners per month, till further orders.

Issue ad-interim interim maintenance order against the respondent to pay interim maintenance of Rs.6,000/- per month to the petitioners.

Issue notice of the order to CDPO and respondent.

(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 8<sup>th</sup> day of February - 2023)

Dated : 08-02-2023.

**(SNEHA PATIL)**  
**ADDL.CIVIL JUDGE & JMFC,**  
**ALAND**

Dictated on : 08-02-2023.  
Checked on : 08-02-2023.  
Signed on : 08-02-2023.

**(SNEHA PATIL)**  
**ADDL.CIVIL JUDGE & JMFC,**  
**ALAND**

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