

KAKB320009932025



Presented on : 15-04-2025
Registered on : 15-04-2025
Decided on : 07-03-2026
Duration : 00 years/ 10 months/ 20 days.

IN THE COURT OF THE J.M.F.C. AT AFZALPUR.

PRESENT:

Sri. ANIL AMATE.

B.A., L.L.B(Hon's).
Civil Judge & J.M.F.C., Afzalpur

CrI.Misc.No.428/2025

DATED: THIS THE 07th DAY OF MARCH-2026

PETITIONERS:

1. Smt. Karishma W/o Sagar Kambale,
Age:24 years, Occ: Household,
2. Kumari Avani D/o Sagar Kambale,
Age:03 years, Occ: Education,
3. Kumari Sanvi D/o Sagar Kambale,
Age: 1 ½ years, Occ: Nil,

Petitioner No.2 & 3 are minors hence U/g of
their natural mother petitioner No.1.

(By Sri. M.M.Kolli. Advocate)

V/s

RESPONDENT:

Sri. Sagar S/o Sadashiva Kambale,



Age: 40 Years, Occ: Agriculture,
R/o Baba Nagar Vijayapur, Tq: Tikkot,
Dist: Vijayapur.

(Absent)

: O R D E R :

The petitioners have filed the present petition against the respondent under Section 125 of CrPC & Section 148 of BNSS for the relief of grant of maintenance of Rs.20,000/- per month.

2. Brief facts of the case of the petitioners is that, the petitioner No. 1 is legally wedded wife of the respondent. Their marriage was solemnized on 23.05.2019 in Shri. Bhagyavanti Kalyan Matap Chincholi village in Afzalpur Taluka . At the time of marriage the parents of petitioner No,1 have given 5 tola gold, totally expensed 600000/- for the marriage. The petitioner No.1 respondent house to lead married life, out of the wedlock petitioner No.2 was born. The respondent started to give ill treatment and harassment by abusing in filthy words because of the demand of dowry of Rs.1,00,000/-. the petitioners were thrown out of the house, the parents of the petitioner No.1 in the presence of elders advised to lead good life with the petitioners, but the respondent not changed his behavior and he said unless petitioner No.1 bring the one lakh dowry he



will take her back to his home, the petitioner No.1 also unable to maintain herself and maintain the petitioner No.2. The respondent having sufficient means to maintain the petitioners, the respondent has one house in Babanagar in Tikkot Taluka, and has landed property 03 acre36 guntas in Sy.No.133/2, and another 03 acres of land in Sy.No.133/6, which are fertile land growing sugarcane grapes, he is agriculturist earning 20 to 30 lakhs per annum. The respondent is capable to give 20,000/- to the petitioners for their livelihood but despite all the assets and income, nothing has been given to petitioners. Hence, petitioners prayed to allow the petition as prayed for.

3. After registration petition notice was issued and notice served through whatsapp, but the respondent not appeared before the court and contested the matter.

4. On perusal of the averments made in the petition and also material available on record the following points arises for my consideration.

1. Whether the petitioner is entitled to the relief as prayed for in the petition?
2. What order?



5. On perusal of the said evidence and also hearing the learned counsel for the petitioner, this court answer to the above points are as under:

Point No.1: Partly in the Affirmative.

Point No.2: As per the final order, for the following:

REASONS :

6. **POINT NO.1:** In order to prove the averments made in the petition and in order to prove the said factum, the petitioner No.1 examined herself as P.W.1, oral statement of her recorded in examination in chief . Petitioner No.1 has produced total 04 documents which were marked as Ex.P1 to 4. which are Ex.P 1 is Marriage invitation card, Ex.P 2 is photograph of marriage, Exs.P 3 and 4 are ROR of respondent landed property, And closed the evidence.

7. The petitioners counsel argued that the petitioner No.1 is legally wedded wife of respondent and the petitioner No.2 and 3 are daughters of petitioner No.1 and the respondent. The respondent having sufficient means to maintain the petitioners, he intentionally refusing to maintain them, respondent totally neglected the petitioners hence prayed for allow the petition as prayed for.



8. In a petition filed U/Sec.144 of BNSS the main factors that needs to be considered are whether the respondent has committed any negligence or refuse to maintain his wife and sons and sufficiency of means of respondent to maintain his wife and sons. In the oral evidence of PW-1, she deposed that her marriage with respondent on 23.05.2019, the respondent is neglected and refused to maintain for which came-up with this petition and sought maintenance to herself and of her children. Ex.P 1 and 2 are substantiate the relationship of the petitioners, in order to disprove the same the respondent not appeared before the court. Further except Ex.P 1 to 4 documentary evidence nothing produced before the court to respondent has refused and neglected to maintain them. Further there is no oral or documentary evidence to show that respondent of petitioner No.1 having sufficient means to maintain the petitioners, however, respondent did not appeared before the court and placed Ex-parte. Therefore, it is to be held that the respondent has neglected or refused to maintain his wife and children. No doubt the petitioners have not placed any evidence in respect of owning regular income or property of the respondent except Ex.P 3 and 4 which standing in the name father of respondent. The petitioner No1 has filed Asset and Liabilities in terms of the decisions rendered in Rajnesh Vs Neha by the Hon'ble Supreme Court



and the petitioner is stated she is exempted for filing Asset and Liabilities.

9. In a proceeding U/sec.144 of BNSS “unable to maintain” means unable to earn a livelihood. The petitioner admittedly has no source of income. There is no evidence to establish that, the respondent has made any efforts prove that to take back the petitioners. Under these circumstances, there is nothing on record to disbelieve the evidence of the PW-1 regarding the inability to maintain the petitioners and also they are neglected by the respondent.

10. In the proceedings U/s 125 the petitioners should not be called upon to produce elaborate evidence in support of the claim that the respondent refused or neglected to maintain them. It is sufficient for them to establish the circumstances from which a prima-facie case the respondent has refused or neglected to maintain the petitioners could be made out. The Hon’ble Apex court in the case of **Devchand vs. State of Maharashtra reported in AIR 1974 SC 1488** has observed that, the statement of the wife that she is unable to maintain herself would be enough and it would be for the husband to prove otherwise.



11. In this case as the respondent is not proved that petitioner No.1 herself maintain because he not appeared before the court itself, The facts case goes to show that respondent has neglected the petitioners and refused to maintain them. Therefore having regard to the facts and circumstances of the case and the decision of the Hon'ble Apex court, this court is of opinion that, the petitioners have established and proved that they have been neglected by the respondent in spite of having the sufficient means. Hence the point No.1 is answered in the **Affirmative**.

12. **POINT NO.2:** In view of the reasons assigned above, I proceed to pass the following:

ORDER

The petition filed by the petitioner under Section 144 of BNSS is hereby partly allowed.

The respondent is hereby directed to pay a sum of Rs.1,000/- to petitioner during her lifetime towards her maintenance from the date of petition and pay a sum of Rs.1250/- to each petitioner No.2 and 3 until her marriage.



Supply free copy of this order to the
petitioner.

*(Corrected and revised and then pronounced in the open court on this
07th day of March-2026)*

(SRI. ANIL AMATE)
Civil Judge & J.M.F.C.,
Afzalpur

ANNEXURE

WITNESSES EXAMINED ON BEHALF OF PETITIONERS:

P.W.1: Smt. Karishma W/o Sagar Kambale

LIST OF DOCUMENTS MARKED ON BEHALF OF PETITIONERS:

Ex.P.1 : Marriage Invitation card
Ex.P.2 : Marriage Photo
Ex.P.3 & 4 : Two R.T.C. extracts

LIST OF WITNESSES EXAMINED ON BEHALF OF RESPONDENT.

--NIL--

LIST OF DOCUMENTS MARKED ON BEHALF OF RESPONDENT.

--NIL--

(SRI. ANIL AMATE)
Civil Judge & J.M.F.C.,
Afzalpur

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