

KAMD310023582022



**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE
& JMFC, AT MADDUR**

PRESENT

Smt.Parvathi C.M., B.A.L. LL.B.,
Prl. Civil Judge & JMFC, Maddur.

Dated this 13th day of August 2026

Crl.Mis.No.74/2022

Petitioner :- Smt. A.J.Soumya,
W/o H.T.Prakasha,
D/o Javarayigowda,
Aged about 30 years,
R/at Ajjahalli Village, Kasaba Hobli,
Maddur Taluk.

(By B.A.G., Advocate)

--V/S--

Respondent:- H.T.Prakasha,
S/o H.C.Thimmaiah,
Aged about 40 years,
R/at Hutchalagere Village,
Kasaba Hobli, Mandya Taluk.

(By N.L.D., Advocate)

ORDER ON MAIN PETITION

The petitioner has filed the present petition Under Section-125 of Cr.P.C., seeking the monthly maintenance of Rs.25,000/- from the respondent.

2. The case of the petitioner is that, the petitioner is the legally wedded wife of the respondent the petitioner marriage of the respondent had took place on 11.02.2016 at Shiva Convention Hall at Maddur, as per the customs and rituals prevailing in their community in the presence of the elders, well-wishers, and the marriage was consummated. After the marriage, the petitioner leading marital life with respondent for about 2 years and after consummation of the marriage, they did not beget any children and therefore being influenced by his mother, the respondent withdraw from her company and refused to provide basic necessities viz., even food, clothes, medicine and began to abuse the petitioner for petty things raised hue and cry for unreasonable grounds. The respondent and his mother demanded the petitioner to sign the divorce papers and when she refused to do so, she was assaulted

and abused in filthy language in the public and was sent to her parents house. In this regard the petitioner has lodged police complainant against the respondent.

3. The petitioners further submit that the respondent has completely deserted, neglected and abandoned the petitioner and he never used to provide maintenance to the petitioner. The petitioner has no sufficient sources of income for her livelihood. The respondent is earning Rs.25,000/- per month from sericultural and Rs.20,000/- from agricultural activities and he is capable to provide the maintenance to the petitioner. Hence, the petitioner filed this petition for maintenance.

4. Upon the service of summons, the respondent has appear before the court through his counsel and filed objections and admitted the relationship and denied the other contention of petition and further contended that he has never ill-treated the petitioner and that he filed MC before Civil Judge, Mandya for restitution of conjugal rights and the petitioner also agreed before the court to live with the respondent, thereafter she came to his house and intentionally quarreled with him and deserted him and she has also

filed false complaint to police against the respondent for cruelty and he is not liable to maintain her as she has left him voluntarily. Hence, he has no source to pay maintenance as prayed in the petition.

5. The petitioner in order to prove her case has examined herself as PW.1 and produced the documents as per Ex.P1 to P34 and closed her side. The respondent has not cross-examined of PW-1.

6. Heard the arguments of the advocate for the petitioner and respondent. Perused the material placed in the record. The following points do arise for my consideration;

POINTS

1. Whether the petitioner prove that the respondent being the husband of her has neglected to maintain the petitioner having sufficient means ?
2. Whether the petitioner is entitle for the maintenance of Rs.25,000/- per month as claimed ?
3. What Order ?

7. After careful scrutiny of the material on record, my findings to the above points are as follows;

Point No. 1 : In the partly Affirmative
Point No. 2 : In the partly Affirmative
Point No. 3 : As per final order.
For the following:-

REASONS

8. **Points No.1 & 2**: Since the both points are linked with each other and the common discussion would suffice. Therefore in order to avoid repetition of facts and evidence, I have taken these 2 points together for common discussion.

9. This is the petition filed by the petitioner seeking the maintenance from the respondent. The petitioner alleged that the respondent being the husband has neglected her. Further, it is alleged that the respondent has deserted from the house. Due to the act of the respondent, the petitioner has been forced to live separately. It is alleged that the respondent is having income from the landed properties. Despite having such income he is refusing to pay for the maintenance of the petitioner.

10. To prove her case, the petitioner herself has given the

evidence by re-iterating the petition averments. She has once again made the allegation against the respondent on oath. The petitioner has produced Ex.P.1 to P.34 documents, Ex.P.1 is the wedding invitation, Ex.P.2 is the wedding photograph, Ex.P.3 is legal notice, Ex.P.4 is the certified copy of order sheet in MC No.02/2021, Ex.P.5 is the certified copy of petition in MC No.02/2021, Ex.P.6 is the FIR in Cr.No.12/2022, Ex.P.6(a) complaint, Ex.P.7 to 20 are the RTC extracts, Ex.P.21 is the certified copy of order sheet in MC No.02/2021, Ex.P.22 to 30 are the certified copy of charge sheet, 8 statements in Cr. No.12/2022 of Mandya Women police station, Ex.P.31 to 33 are the certified copy of photographs and 2 jewelery receipts and Ex.P.34 is the photograph.

11. Despite the sufficient time and opportunity given to the respondent did not come to lead his evidence or not cross examined the PW-1.

12. Therefore, the evidence of petitioner establish that there is a relationship between the petitioner and respondent. Further it is alleged that the petitioner has been neglected by the respondent.

13. The petitioner has stated that the respondent has got income of Rs.45,000/- per month and also landed property.

14. On going through the above oral and documentary evidence and other materials available on record, it shows the willful neglect of the respondent to maintain the petitioner. Further, the respondent has not cross examined the PW.1 to disprove his contention. But the petitioner has not produce a single document to show the income of the respondent except RTC. Therefore, it is very much difficult to believe that the respondent has got income of Rs.45,000/- per month as stated by the petitioner and he has landed property as alleged in petition.

15. However, keeping in view the object and purpose of section 125 of Cr.P.C. and the bounded duty of the respondent to maintain the petitioner having legally married her, this court opinion that, the petitioner is entitled to the maintenance of Rs.3,000/- per month would meet the expenses of her. Therefore, the court is of the considered opinion that the petitioner is entitle for maintenance total of Rs.3,000/- per month.

16. Accordingly, in view of the above discussion point No.1 and 2 are answered **in the Partly Affirmative**.

17. **Point No.3**:- In view of the above finding on points No.1 & 2, I proceed to pass the following;

ORDER

The petition filed Under Section.125 of Cr.P.C., is partly allowed.

The respondent is hereby directed to pay an amount of Rs.3,000/- per month to the petitioner from the date of this order.

(Dictated to the stenographer directly on computer, corrected, signed and then pronounced by me in the Open Court on this 13th day of August 2026)

**(Smt. Parvathi C.M)
Prl. Civil Judge & JMFC,
Maddur.**

ANNEXURE

List of the Witnesses examined on behalf of Petitioner:

PW-1 : A.J.Soumya

List of the Documents marked on behalf of Petitioner:

Ex.P1	:	Wedding invitation
Ex.P.2	:	Wedding photograph
Ex.P.3	:	Legal notice
Ex.P.4	:	Certified copy of order sheet in MC No.02/2021
Ex.P.5	:	Certified copy of petition in MC No.02/2021
Ex.P.6	:	FIR in Cr.No.12/2022
Ex.P.6(a)	:	Complaint
Ex.P.7 to 20:		RTC extracts
Ex.P.21	:	Certified copy of order sheet in MC No..02/2021
Ex.P.22 to 30:		Certified copy of charge sheet 8 statements in Cr. No.12/2022 of Mandya Women police station
Ex.P.31 to 33:		Certified copy of photographs and 2 jewelery receipts
Ex.P.34	:	Photograph

List of the Witnesses examined on behalf of Respondent:

--Nil--

List of the Documents marked on behalf of Respondent:

--Nil--

**(Smt. Parvathi C.M)
Prl. Civil Judge & JMFC,
Maddur.**