

IN THE COURT OF PRL. CIVIL JUDGE & JMFC MALAVALLI.

PRESENT:

**Smt. NAZIA KOUSER, B.E., LLB.,
Prl. Civil Judge & JMFC, Malavalli..**

Crl.Misc.No.406/2024

Dated this the 05th day of May, 2026

Petitioner/s:	Smt. N S Shripriya and others (By Sri. H P R, advocate)
V/s	
Respondent:	Sathish B K (By Sri. L K R, advocate)
<u>I.A No.I</u>	
Applicant/s:	Smt. N S Shripriya and others
V/s	
Opponent:	Sathish B K

ORDERS ON I.A.NO.I

I.A. No.I is filed by the petitioners under Section 144(1)(a) of BNSS seeking a direction to the respondent to pay maintenance of Rs.60,000/- per month to the petitioners till disposal of the main petition.

2. The petitioner No.1 has sworn to an affidavit in support of the application, stating that the respondent is addicted to bad habits and has neglected to maintain the petitioners. It is further contended that petitioner No.1 has no independent source of income and is unable to maintain herself and petitioner Nos.2 and 3. According to her, the respondent is working as an Engineer in KPTCL and has sufficient income to maintain the petitioners. On these grounds, the petitioners have sought to allow I.A. No.I.

3. The respondent has filed a memo requesting that the objections filed to the main petition be treated as objections to this application. While admitting the relationship, the respondent has denied the other allegations. It is contended that he has the responsibility of maintaining his aged mother and unmarried sisters. He further submits that he suffered paralysis on 16.06.2015 and incurred debts for medical expenses. It is also contended that petitioner No.1 is working as a guest faculty in a Government School during the academic year 2024–25. The respondent claims that he has been terminated from service due to ill health and is unable to pay maintenance. On these grounds, he seeks rejection of I.A. No.I.

4. Heard the counsel for the petitioners. This Court did not have the benefit of arguments on behalf of the respondent. Perused the material on record.

5. The following points arise for consideration of this Court:

Point No.1: Whether the petitioners have made out grounds for allowing I.A. No.I and thereby granting interim maintenance of Rs.60,000/- per month till disposal of the petition?

Point No.2: What Order?

6. The findings of this Court on 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

7. **Point No.1:** The petitioner No.1, being the wife of the respondent, has filed the present petition under Section 144 of BNSS seeking maintenance. It is her contention that the respondent has

neglected to maintain the petitioners despite having sufficient income. The respondent has denied these allegations and contended that petitioner No.1 has her own income and that he is not in a position to pay maintenance.

8. At this stage, this Court is not required to adjudicate the disputed questions of fact conclusively. The limited consideration is whether the petitioners are entitled to interim maintenance pending disposal of the main petition. The Petitioner No.1 has asserted that the respondent is working as an Engineer in KPTCL, owns properties, and earns about Rs.1,30,000/- per month. On the other hand, the respondent has contended that he has been terminated from service. The petitioner No.1 has filed an affidavit of assets and liabilities stating that she has no source of income. The respondent has also filed an affidavit stating his income as Rs.50,000/- per month but claims that he has not been receiving salary due to unauthorised absence.

9. On perusal of the documents produced by the respondent, it appears that he remained absent from 31.01.2024 to 15.03.2024. However, the documents do not establish that he has been terminated from service or that he is not receiving any salary. Considering the status of the parties, their standard of living, and the prima facie material on record, this Court is of the opinion that the petitioners are entitled to reasonable interim maintenance. Accordingly, a sum of Rs.3,000/- per month to petitioner No.1 and Rs.2,000/- each per month to petitioner Nos.2 and 3 would meet the ends of justice till disposal of the petition. Hence, Point No.1 is answered partly in the Affirmative.

10. **Point No.2:** For the aforesaid discussion on point No.1, this Court proceeds to pass the following:

ORDER

I.A. No.1 filed by the petitioners under Section 144(1)(a) of BNSS is hereby allowed in part, on the following terms:

The petitioner No.1 is entitled to maintenance of Rs.3,000/- per month.

The Petitioner No.2 and 3 are entitled to maintenance of Rs.2,000/- each per month.

The said maintenance shall be payable by the respondent from the date of this petition till disposal of the main petition.

No order as to cost.

(Dictated to the sound recorder, computerized by stenographer, script revised, corrected and then pronounced by me in the open Court on this the 05th day of May, 2026)

(Nazia Kouser)
Prl. Civil Judge & JMFC,
Malavalli