



Presented on : 19.02.2022

Registered on : 19.02.2022

Decided on : 30.06.2026

Duration : 05 years 04 months 11 days

IN THE COURT OF THE PRL. CIVIL JUDGE & J. M. F. C.,
AT SRIRANGAPATNA

Present: Sri.UMESHA, M. P., B. A. L., LL, B.,
PRL. CIVIL JUDGE & JMFC,
SRIRANGAPATNA

DATED: ON THIS THE 30th DAY OF JUNE - 2026

CRL. MISC. No. 20 / 2022

PETITIONER:

SMT. PRIYASHREE H.M.

W/o Girish M.K. ,

Aged about 30 years,

R/o Pump house Circle,

Jakkanakuppe Village, Belagola Hobli,

Srirangapatna Taluk, Mandya District.

(Represented by Sri.B.S.S., Advocate)

-V/s-

RESPONDENT:

GIRISH M.K. S/o M.P.Kemparaju ,

Aged about 39 years,

R/o No.1145/23, Near Varuna Nale

K.R.S. Road, Mogarahalli Village,

Belagola Hobli,

Srirangapatna Taluk, Mandya District.

(Represented by Sri.B.N.G., Advocate)

ORDER

The Present Petition is filed by the Petitioner U/Sec.125 of the Cr.P.C, against the Respondent. The petitioner sought direction against the respondent to pay a sum of Rs10,000/- per month to the petitioner for maintaining herself.



2. The brief facts of the petitioner's case is as follows:

It is stated that, the petitioner is the legally wedded wife of respondent. It is further stated that, the marriage of the petitioner with the respondent was solemnized on 11.06.2020 at Baburayanakoppalu, as per their rites and customs prevailing in their community in the presence of parents, elders and well-wishers. It is further stated that, after the marriage, the petitioner went to the house of respondent to lead marital life with the respondent and the petitioner and respondent have lead happy married life for about 4 months. It is further stated that, the respondent has neglected the petitioner and given mental and physical harassment by drinking alcohol and the respondent has not provided proper medicine and food and other basic needs to the petitioner. It is further stated that, till today the respondent has not given any maintenance to the petitioners and thrown out from his house. It is further stated that, the parents of the petitioner have held several panchayaths to advice the respondent to lead happy life. It is further stated that, all the efforts made by the petitioner have gone in vain. It is further stated that, the respondent has not provided proper medicine and food and other basic needs to the petitioner. It is further stated that, she requires Rs.10,000/-per month for her maintenance. It is further stated that, the respondent is having agricultural land. It is further



stated that, the respondent is working as contractor and hence, he is getting handsome income per month. It is further stated that, the petitioner is unable to maintain herself and she has no source of income and now she is temporarily living in her parental house. Therefore, the petitioner is required monthly maintenance of Rs.10,000/- to lead her life. Therefore, she prayed to allow the petition and grant the reliefs as sought for.

3. After service of notice the respondent has appeared before this Court through his counsel and filed his objections contending that, the petitioner has filed false petition against him. It is further contended that, the petition filed by the petitioner is not tenable under law. He has admitted the marriage with the petitioner. It is further contended that the petitioner was interested in putting hurdles and was in habit of picking up objectionable attitudes was also racking up quarrels while discharging her duty towards husband and in laws. It is further contended that the respondent has never ill-treated the petitioner and much less any person. It is further contended that, the respondent attempts to bring her on right path has infuriated the petitioner to falsely claim as to suffering physical torture at the hands of respondent. It is further contended that, the petitioner is attempting to mislead court by pleading the false. It is further contended that, the petitioner is not entitled for the same as she herself has deserted the matrimonial home and she is residing at her parental house as



alleged, at no point of time respondent has ill-treated her physically and mentally. Hence, he prayed to dismiss the present petition filed by the petitioner with costs.

4. To substantiate the case of the petitioners, the petitioner has examined herself as PW-1 and got marked documents at ExP-1 to ExP6 and closed her side. On the other hand, the respondent himself examined before this Court as RW-1 and got marked ExR-1 to 3.

5. Heard the arguments of both sides. Perused the record.

6. On perusal of the facts and circumstances of the case, the following points arise for my consideration:

1. Whether the petitioner proves that, she being the wife of respondent has been subjected to cruelty and neglected by the respondent?
2. Whether the petitioner further proves that, the respondent is having sufficient manse has deserted and neglected her?
3. Whether the petitioner is entitled for the relief of maintenance?, If so at what quantum?
4. What order ?

7. On considering and on assessing the oral and documentary evidence placed on record, now my answers to the above points are as follows:



Point No.1 : In the AFFIRMATIVE.

Point No.2 : In the AFFIRMATIVE.

Point No.3 : In the AFFIRMATIVE.

Point No.4 : As per final order, for the following:

REASONS

POINTS No.1 to 3:

8. These three points are inter-related and inter-connected to each other. Findings on point No.1 has great bearing on points No.2 & 3. These three points are revolve round the aspect of cruelty and neglected being committed by the respondent and in spite of having sufficient source of income, the respondent neglected and failed to maintain the petitioner as contended by the petitioner and entitlement of reliefs as sought for in the petition. Therefore, for the sake of convenience, clarity and also to avoid repetition of facts and evidence being narrated separately, these three points are taken up together for common discussion.

9. In this case, the petitioner has sought for monitory relief under the provisions of Sec.125 of Cr.P.C.

10. Therefore, in order to pass monitory orders under the provisions of Sec.125 of Cr.P.C, the petitioner has to prove her relationship with the respondent and in spite of having sufficient source of income, the respondent has neglected to maintain herself. Now, let us consider as to whether the oral



and documentary evidence placed on record establishes the same and in spite of sufficient source of income, the respondent neglected and failed to maintain the petitioner.

11. **The provisions of Sec.125 of Cr.P.C, which reads as under:**

Order for Maintenance of wives, children and parents:-

1. If any person having sufficient means neglects or refuses to maintain:-

- (a) his wife, unable to maintain herself, or
 - (b) his legitimate or illegitimate minor child, whether married or not, unable to maintain itself, or
 - (c) his legitimate or illegitimate child (not being a married daughter) who has attained majority, where such child is, by reasons of any physical or mental abnormality or injury unable to maintain itself, or
 - (d) his father or mother, unable to maintain himself or herself,
- A Magistrate of the first class may, upon proof of such neglect or refusal, order such person to make a monthly allowance for maintenance of his wife or such child, father or mother, at such monthly rate as such magistrate thinks fit, and to pay the same to such person as the Magistrate may time to time direct:

12. It is averred in the petition and also stated by PW-1 in her evidence that, she is the legally wedded wife of respondent. It is further stated that, the marriage of the petitioner with the respondent was solemnized on 11.06.2020 at Baburayanakoppalu, as per their rites and customs prevailing in their



community in the presence of parents, elders and well-wishers. It is further stated that, after the marriage, the petitioner went to the house of respondent to lead marital life with the respondent and the petitioner and respondent have lead happy married life for about 4 months. It is further stated that, the respondent has neglected the petitioner and given mental and physical harassment by drinking alcohol and the respondent has not provided proper medicine and food and other basic needs to the petitioner. It is further stated that, till today the respondent has not given any maintenance to the petitioners and thrown out from his house. It is further stated that, the parents of the petitioner have held several panchayaths to advice the respondent to lead happy life. It is further stated that, all the efforts made by the petitioner have gone in vain. It is further stated that, the respondent has not provided proper medicine and food and other basic needs to the petitioner. It is further stated that, she requires Rs.10,000/-per month for her maintenance. It is further stated that, the respondent is having agricultural land. It is further stated that, the respondent is working as contractor and hence, he is getting handsome income per month. It is further stated that, the petitioner is unable to maintain herself and she has no source of income and now she is temporarily living in her parental house. Therefore, the petitioner is required monthly maintenance of



Rs.10,000/- to lead her life. Therefore, she prayed to allow the petition and grant the reliefs as sought for.

13. In order to prove the case of the petitioner, the petitioner has produced the documents as per ExP-1 to ExP-6. ExP-1 is the Marriage Invitation, ExP-2 is the photograph, ExP-3 is the Form No.8/ License, ExP-4 is the letter dated:19.09.2022 issued by the Government to the petitioner, ExP-5 is the certified copy of objection in MC No.5/2021, ExP-6 is the certified copy of orders on IA No.1 in MC No.5/2021.

14. In order to prove the case of the respondent, the respondent himself examined as RW-1 and got marked ExR1 to R3. He has deposed before this court that, he has admitted the marriage with the petitioner and the relationship with the petitioner. It is further contended that, the petitioner has filed false petition against him. It is further contended that the petitioner was interested in putting hurdles and was in habit of picking up objectionable attitudes was also racking up quarrels while discharging her duty towards husband and in laws. It is contended that the respondent has never ill-treated petitioner and much less any person. It is further contended that, the respondent attempts to bring her on right path has infuriated the petitioner to falsely claim as to suffering physical torture at the hands of respondent. It is further contended that, the petitioner is attempting to mislead court by pleading the false. It is further



contended that, the petitioner is not entitled for same as she herself has deserted the matrimonial home and she is residing at her parental house as alleged, at no point of time respondent has ill-treated her physically and mentally. Hence, he prayed to dismiss the present petition filed by the petitioner with costs.

15. In order to prove the case of the respondent, the respondent has produced the documents as per ExR-1 to 3. ExR-1 is the certified copy of petition in MC No.5/2021, ExR-2 is the certified copy of order-sheet in MC No.5/2021, ExR-3 is the certified copy of deposition of PW-1 in CC No.509/2021.

16. The counsel for the petitioner argued that, the petitioner is legally wedded wife of respondent. It is further argued that, the marriage of the petitioner with the respondent was solemnized on 11.06.2020 at Baburayanakoppalu, as per their rites and customs prevailing in their community in the presence of parents, elders and well-wishers. It is further stated that, after the marriage, the petitioner went to the house of respondent to lead marital life with the respondent and the petitioner and respondent have lead happy married life for about 4 months. It is further stated that, the respondent has neglected the petitioner and given mental and physical harassment by drinking alcohol and the respondent has not provided proper



medicine and food and other basic needs to the petitioner. It is further stated that, till today the respondent has not given any maintenance to the petitioners and thrown out from his house. It is further stated that, the parents of the petitioner have held several panchayaths to advice the respondent to lead happy life. It is further stated that, all the efforts made by the petitioner have gone in vain. It is further stated that, the respondent has not provided proper medicine and food and other basic needs to the petitioner. It is further stated that, she requires Rs.10,000/-per month for her maintenance. It is further stated that, the respondent is having agricultural land. It is further stated that, the respondent is working as contractor and hence, he is getting handsome income per month. It is further stated that, the petitioner is unable to maintain herself and she has no source of income and now she is temporarily living in her parental house. Therefore, the petitioner is required monthly maintenance of Rs.10,000/- to lead her life. Therefore, she prayed to allow the petition and grant the reliefs as sought for.

17. The counsel for the respondent argued that, the petitioner has filed false petition against the respondent. It is further argued that, the respondent admitting the relationship with the petitioner but denied the other allegations of ill-treatment, harassment and the present application is not maintainable on facts and circumstances of the case. It is further argued that, the petition filed



by the petitioner is not tenable under law. He has admitted the marriage of the petitioner with the respondent. It is further argued that the petitioner was interested in putting hurdles and was in habit of picking up objectionable attitudes was also racking up quarrels while discharging her duty towards husband and in laws. It is further argued that the respondent has never ill-treated petitioner and much less any person. It is further argued that, the respondent attempts to bring her on right path has infuriated the petitioner to falsely claim as to suffering physical torture at the hands of respondent. It is further contended that, the petitioner is attempting to mislead court by pleading the false. It is further argued that, the petitioner is not entitled for any reliefs as she herself has deserted the matrimonial home and she is residing at her parental house, at no point of time respondent has ill-treated her physically and mentally. Hence, he prayed to dismiss the present petition filed by the petitioner with costs.

18. Further, both the parties have filed their assets and liabilities as per the direction of the Hon'ble Apex Court in the case of Rajaneesh -V/s- Neha and others reported in (2021)2 SCC 324.

19. The petition averments and the evidence of PW-1 and documentary evidence at ExP-1 to ExP-6 in respect of marriage is remained unchallenged



by respondent. There are no reasons to doubt or to disbelieve the documents at ExP-1 to ExP-6.

20. As per as neglect or refusal is concerned, it is averred in the petition and also stated by PW-1 in her evidence that, after the marriage, the respondent started to give mental and physical cruelty to the petitioner. It is further averred in the petition and also stated by PW-1 in her evidence that, the respondent failed to looking after the petitioner.

21. It is important to note here that, failure to maintain the wife and his children, failure to provide minimum basic amenities like food, cloth, shelter comes under the provisions of Sec.125 of Cr.P.C. All the allegations made in the petition averments and as stated by PW-1 in her oral evidence constitute physical abuse, economic abuse and etc., as contemplated under the provisions of Sec.125 of Cr.P.C. The evidence of PW-1 and document at ExP-1 to ExP-06 also remained unchallenged by the respondent. There are no reasonable to disbelieve or to discard the petition averments and oral evidence of PW-1 including documents at ExP-1 to ExP-6.

22. It is averred in the petition and also stated by PW-1 in her evidence that, the respondent is getting sufficient source of income. Further, it is forthcoming in the evidence of PW-1 that, the respondent is having sufficient source of income and he is getting handsome income per year and the



respondent is having movable and immovable properties and he is getting sufficient income from the said properties and he is capable to pay the maintenance to the petitioner. Of course, the petitioner has not produced the any documents to show the same except ExP-1 to6 . However, the petition averments and the evidence of PW-1 in respect of income of the respondent remained unchallenged by the respondent. The petitioner has deposed before this Court on oath that, the respondent has got sufficient source of income so as to maintain herself. Under these circumstances, there are no reasons to disbelieve or to discard the evidence of PW-1. Therefore, it has to be held here that, the respondent in spite of sufficient source of income has neglected and failed to maintain the petitioner.

23. The petitioner has sought for monthly maintenance of Rs.10,000/-. As already stated above, the petitioner has not produced cogent documentary proof with respect to exact source of income of the respondent. However, the respondent being the husband of the petitioner has duty bound to maintain the petitioner and thereby failed to provide minimum basic amenities like food, cloth and shelter and thereby failed to maintain the petitioner. As could be seen from cause title, the petitioner is aged about 30 years as on the date of the petition. These facts have not been denied by the respondent. Therefore, considering the cost of living in the society, including facts and circumstances



of the case, this Court is of the considered view that award of maintenance of Rs.8,000/- per month would meet the ends of justice and it will not cause any hardship and inconvenience to the respondent also.

24. The petitioner stated in her examination-in-chief that, the respondent had not provided any maintenance to the petitioner. The all allegations are comes within the preview of Section 125 of Cr.P.C.

25. It is also trite that, court can take judicial notice of the inflation sky rocketing of prices as held by Supreme Court in AIR 1995 SC 498. It is bounden duty of the husband to maintain wife and children, even he earn or not. Even though the taking consideration of evidence of the petitioner, it is comes under preview of Section 125 of Cr.P.C. Therefore, I have no hesitation to hold that, the allegations made by the petitioner/aggrieved are proved by the petitioner.

26. It is an admitted fact that, the petitioner and the respondent is the husband and wife. I have already held that, the petitioner satisfied this court about the neglect or refusal and unhealthy act of respondent towards the petitioner.

27. Under Section 125 of Cr.P.C empowers this court to pass orders in respect of monitory reliefs to the aggrieved person from the respondent to meet out the expenses incurred and loss suffered, including loss of earnings,



medical expenses, loss to property and maintenance of the aggrieved including maintenance under or in addition to other law for the time being in force. Therefore, for the reasons discussed above I answer Points No.1 to 3 in the Affirmative.

POINT No.4:

28. In view of my findings on Points No.1 to 3, I proceed to pass the following:

ORDER

The petition filed by the petitioner, under the provisions of Sec.125 of Cr.P.C is hereby allowed in part with costs.

The respondent is directed to pay maintenance of Rs.8,000/- pm to the petitioner from the date of petition till she dis-entitled to claim the maintenance.

(Dictated to the Stenographer on Computer directly, typed by her, Order corrected and signed by me, then pronounced by me in the Open Court on this the 30th day of JUNE - 2026)

(UMESHA M.P)
Prl.Civil Judge & J.M.F.C,
SRIRANGAPATNA



ANNEXURE TO THE ORDER

List of the witnesses examined on behalf of Petitioner:

PW-1 : Smt. PRIYASHREE H.M W/o Girish M.K.

List of the documents marked on behalf of Petitioner:

ExP-1 : ExP-1 is the Marriage Invitation,

ExP-2 : Photograph,

ExP-3: Form No.8/ License,

ExP-4 :Letter dated:19.09.2022 issued by the Government to the petitioner,

ExP-5 :Certified copy of objection in MC No.5/2021,

ExP-6 :Certified copy of orders on IA No.1 in MC No.5/2021.

List of the witnesses examined on behalf of Respondent:

RW-1 : GIRISH M.K. S/o MP. Kemparaju

List of the documents marked on behalf of Respondent:

ExR-1 : Certified copy of petition in MC No.5/2021,

ExR-2 :Certified copy of order-sheet in MC No.5/2021,

ExR-3 :Certified copy of deposition of PW-1 in CC No.509/2021.

(UMESHA M.P)
Prl.Civil Judge & J.M.F.C,
SRIRANGAPATNA



Order pronounced in the open court vide separate order

ORDER

The petition filed by the petitioner, under the provisions of Sec.125 of Cr.P.C is hereby allowed in part with costs.

The respondent is directed to pay maintenance of Rs.8,000/- pm to the petitioner from the date of petition till she dis-entitled to claim the maintenance.

(UMESHA M.P)
Prl.Civil Judge & J.M.F.C,
SRIRANGAPATNA