

ORDER ON I.A.

The petitioner has filed the application U/s 125(1)of Cr.P.C., seeking interim monthly maintenance of Rs.40,000/- to the petitioner and her son.

2. The application is accompanied with the affidavit of the petitioner. It is averred in the application that, the respondent is her husband, their marriage took place on 15.07.1993 at Vidhyodaya Girls hostel, T.Narasipura. After the marriage the petitioner No.1 gave birth to a son namely Manoj who is now pursuing I.T.I and daughter namely Pavanshree. It is stated that, the respondent has neglected the petitioner and her son. The petitioner along with her son is residing in the rented house. Respondent is working as a post master at Talakadu. He is drawing salary of Rs.80,000/- pm. Petitioner is unable to maintain herself and she is unable to bear expenses her son. The respondent has got sufficient income from the service and also from the agricultural lands. Therefore, petitioner prayed to award an amount of Rs.40,000/- pm towards interim maintenance of herself and her son.

3. The respondent admitted the relationship. The respondent stated that, the differences between petitioner and respondent started after the birth of son namely Manoj since the petitioner started to lead unchaste life and treated the respondent as a stranger, the petitioner herself has withdrawn the company of husband. The daughter is with the respondent and she has studied upto M.A.Bed. The son Manoj has studied I.T.I. and now he is working in TVS company at Kadokola and earning Rs.15,000/- pm. The respondent since long has been paying Rs.6,000/-pm towards the maintenance of petitioner and herself. The educational expenditure of son for borne by the respondent himself. The petitioner has voluntarily deserted the respondent. There is no fault on the part of respondent. The petition and also the application are failed with ill-motive. Therefore, he prayed to reject the application.

4. Heard the learned advocates appearing for the parties. Perused the material placed on record.

5. The only point that arise for the consideration is Whether the petitioner has made out sufficient grounds to grant interim maintenance of Rs.40,000/- per month as prayed ?

6. After careful scrutiny of the material placed on record, I answer the point 'Partly in the Affirmative" for the following;

REASONS

7. The present petition is filed Under Sec.125 of Criminal procedure of Code seeking maintenance of Rs.48,000/- per month to the petitioner and her son. The interim application is filed seeking maintenance of Rs.40,000/- to the petitioner and her son.

8. The relationship between parties is admitted. It is also admitted that, petitioners being the wife and son of respondent are residing separately. Respondent has not stated income of the petitioner if any.

9. The respondent being the husband of petitioner and father of her son has got moral and social obligation to maintain the petitioners. Hence, the petitioner and her son

entitled to claim maintenance from the respondent.

10. The petitioner has produced the copy of salary particulars of respondent. Accordingly, during the month July-2019 the basic pay of respondent is Rs.56,900/-. So also the net take home salary for the month of February-2021 is Rs.79,856/-. While granting the maintenance, Courts are required to take into consideration regarding social and economical status of the parties. Even, the earnings of the opposite party is also to be seen. Therefore, looking to the contents of documents and also looking to the age of the petitioner and her son, I feel it proper to grant monthly maintenance of Rs.20,000/- per month to the petitioner and also her son. Accordingly, I proceed to pass the following;

ORDER

I.A. filed by the petitioner under Section-125(1) of Cr.P.C., seeking interim maintenance is partly allowed.

The respondent is directed to pay the monthly maintenance of Rs.20,000/- to the petitioner and also her son from the date of

filing of the application i.e., from 10.07.2019 till disposal of the present petition or until further orders.

The maintenance from the date of application till the date of this order shall be paid within one month and remaining shall be paid by the respondent on completion of each English calendar month.

Call for regular stage i.e., for further chief of PW-1.

Call on: 25.10.2021.

**Senior Civil Judge & JMFC.,
T. Narasipura.**