

KARN320008772023



Presented on : 19-04-2023
Registered on : 19-04-2023
Decided on : 26-03-2026
Duration : 2 years, 11 months, 7 days

IN THE COURT OF THE PRL. CIVIL JUDGE & JMFC.,
KANAKAPURA

Present: Smt. Radha S, B.A., LL.M.,
Prl. Civil Judge & JMFC.,
Kanakapura.

Dated this the 26th day of March 2026

Crl. Misc./215/2023

Petitioner: Kum. Sukruthi
D/o Chandrashekar
Aged about 6 years,

Since minor represented
By her maternal grandmother
And guardian
Smt. Sunanda
W/o Srinivasa
Aged about 43 years.

R/o: Chikkakumbarahalli Village,
Harohalli Hobli,



Kanakapura Taluk,
Ramanagara District.

Now R/o: 1st Phase,
17th Cross, Nandi Garden,
Srinivasa Reddy Layout,
Anjanapura Post,
Avalahalli,
Bangalore-62.

(By Sri. A.G.R., Advocate)

V/s

Respondent : Chandrashekar
S/o late Channegowda
Aged about 35 years,
R/o: Chikkakumbarahalli Village,
Harohalli Hobli,
Kanakapura Taluk,
Ramanagara District.

(By Sri. S.R.S, Advocate)

(Radha S.)
Prl. Civil Judge & JMFC.,
Kanakapura.

ORDERS ON MAIN PETITION

This petition is filed Under section 125 of Cr.P.C. to award monthly maintenance of Rs.20,000/- from the respondent to the petitioner for her food, cloth, education till her attained majority and until her marriage.



The gist of the petitioner's case is as under:

2. The mother of the petitioner was the legally wedded wife of respondent. Their marriage was solemnized on 13.05.2015 at Lakshmi Vallabha Kalyanamantapa, Konanakunte Cross, Vasanthapura Main Road, (Opp. Manasa Talkies) Kanakapura Main Road, Bangalore-560062 as per customs prevail in their community and registered on 30.06.2016. After the marriage the mother of petitioner joined the company of the respondent and started her matrimonial life with the respondent in her matrimonial home. Due to their wedlock, the petitioner is born and now she is aged about 6 years. On 28.07.2019 the mother of the petitioner was dead, now the petitioner is residing with her maternal grandmother. The grandmother of the petitioner has no sufficient source of income to maintain the petitioner towards food, clothes, medical and education. The petitioner was studying in 1st standard at Gurukul School. The respondent is working in Biscuit Factory at Industrial Area and getting monthly income of Rs.20,000/- and other source income of Rs.1,00,000/- more than and he was also got landed property as such he has sufficient income to provide maintenance to the petitioner. In spite of it the respondent has completely neglected, deserted and abandoned the petitioner without providing maintenance.



Hence without having any other go, the petitioner has come up with this petition. On these grounds the petitioner prayed to allow the petition.

3. On the other hand, respondent has appeared before the Court and admitted the relationship with the petitioner, but has denied the rest of the averments made in petition as contended by the petitioner. The respondent submits that, the petitioner is the daughter of the respondent, after the death of his wife the grandmother of the petitioner has taken the petitioner along with her to her village. The respondent has visit to see the petitioner to her grandmother's house, but her grandmother is not even permitting to see the petitioner, the respondent was ready and willing to take back his daughter and to look after the petitioner for her welfare i.e., food, cloths, shelter and good education etc.,

4. The respondent further contended that, the father of the respondent got 10 guntas of land in Sy.No.71/7 under partition deed dated 05.03.2021. After such partition the katha has made out in the name of father of the respondent vide MR.No.13/2020-21. The father of the respondent has gifted the said 10 guntas of land to the petitioner through registered Gift deed dated 29.07.2021. The respondent



doesn't hold any landed property. The respondent is working as a coolie, the coolie amount is not sufficient to lead his life and look after his parents. The petitioner with an intention to grab the maintenance amount from the respondent and also to give unnecessary trouble and harassment to the respondent has filed this false petition against the respondent. On these grounds the respondent prayed to dismiss the application.

5. On the strength of petition pleadings and on the basis of documents produced by the petitioner, the following points would arise for consideration of this court;-

1. Whether the petitioner satisfied that she has been willfully neglected by the respondent to provide maintenance for her livelihood?

2. If so whether the petitioner is entitled for maintenance from the respondent as prayed for ?

3. What order ?

6. In order to prove their case, the grandmother of the petitioner herself has examined as PW1 and got marked the documents as Ex.P.1 to Ex.P.25 and closed her side. On the other hand, the respondent himself was examined as RW1



and closed his side evidence. Thereafter case was posted for arguments.

7. Heard the arguments canvased by the learned counsel for the petitioner and respondent at length in great details. Scrutinized the oral as well as documentary evidence placed on record.

8. On scanning of evidence placed on record and having perusal of documents and having heard the arguments, my findings to the above points are as under:

Point No.1:	In the Negative
Point No.2:	Partly in the Affirmative
Point No.3:	Petition is allowed in part for the following:-

REASONS

9. POINT NO.1:- In order to prove her case, the grandmother of the petitioner has adduced her evidence before the court and examined as PW1. In her chief examination, the petitioner has reiterated the averments made in the petition. The case of the petitioner is already explained above. In support of her case, the PW1 has produced as many as 25 documents which are got marked as Ex-P-1 to Ex.P-25.



10. Ex.P.1 is the certified copy of marriage registered certificate. **Ex.P.2** is the death certificate. **Ex.P.3** is the original Aadhar card of the mother of petitioner. **Ex.P.4** is the original Aadhar card of the petitioner. **Ex.P.5** is the original Aadhar card of the grandmother of petitioner. **Ex.P.6** is the RTC. **Ex.P.7 to Ex.P.13** are the Receipts of Fees details for Ennar School, at Aaditya Nagar, Kothanur Main Road, J.P.Nagar, 8th Phase, Bangalore-62. **Ex.P.14 to Ex.P.25** are the Payslips. Since there is no dispute with regard to the relationship between the parties, detailed appreciation of the said documents is not required. It is the specific contention of the respondent that he had already gifted the land, which was allotted to his share, to his daughter. In this regard, the learned counsel for the respondent has cross examined the PW1. In the cross examination, PW1 has clearly admitted that 10 guntas of land was gifted in favour of the petitioner by the respondent. Hence, it is clear to this court that the petitioner has not been neglected by the respondent, as he had already secured her future by gifting the property in her favour. Being the caretaker and guardian of petitioner, PW1 is benefited by the land which was gifted to the petitioner. Under such circumstances, it can't be said that the petitioner has been neglected by the respondent. It is



evident from Ex.P.6 that the land stands jointly in the names of petitioner and her guardian/PW1. It is evident from Ex.P.14 to Ex.P.25 that the respondent is drawing a monthly salary of less than twenty thousand rupees from his job. As such, I am of the opinion that the respondent has not neglected the petitioner, as he had already secured future of the petitioner by gifting his landed property, and the guardian of the petitioner is already deriving benefit from the said land. As such I answer the above point in the “Negative”.

11. Point No.2:- According to petitioners, the respondent is working in a biscuit factory and is getting a monthly income of Rs.20,000/- from the said work. But the petitioner has already been benefited by the gift of landed property and is deriving income from the said landed property. However, that does not exonerates the respondent from the liability to maintain his children, who have no source of income to look after themselves. It is settled principle of law that a person with an able body is liable to provide for the livelihood of his children, even though he may not have any source of income. When such being the case, it can be easily presumed that the respondent is capable of maintain his children. The respondent has the



capacity to maintain the petitioner, and a person with an able body is liable to provide for the livelihood of his children. **However, the guardian of the petitioner may utilize the income derived from the 10 guntas of land for the benefit of the petitioner to meet her educational expenses.** Hence, considering the income of the respondent, he is duty bound to pay monthly maintenance for his daughter towards her food, medicines etc... In these days of high cost of living, the petitioner requires at least Rs.4,000/- per month for her livelihood. If maintenance of Rs.4,000/- p.m is awarded, it would meet the ends of justice. The petitioner though claiming Rs.20,000/- from the respondent, has not satisfied the Court as to the capacity of the respondent to pay such an amount. The Court has to strike a balance while awarding maintenance between the necessity and capacity of the petitioner and respondent. As such in my view the petitioner is entitled for amount of Rs.4,000/- per month from the respondent towards her food, medicine and etc... In view of the above observation I record my finding to the above point “Partly in the Affirmative”.

12. Point No.3: In maintenance cases, the petitioner is entitled for costs of the litigation. Hence the following :-



ORDER

**The petition filed by the petitioner
Under section 125 of Cr.P.C is hereby
partly allowed.**

**The respondent is hereby directed
to pay Rs.4,000/- per month to the
petitioner as monthly maintenance until
she attains majority.**

**The respondent shall pay the said
amount from the date of this order on or
before 5th day of every calendar month,
failing which the petitioner is at liberty
to recover the same from the respondent
in accordance with law.**

**Cost of Rs.5,000/- is awarded
towards the cost of this petition.**

(Dictated to the Stenographer, transcribed and typed by her, the same is corrected and then pronounced by me in the open Court on this the **26th day of March 2026**).

(Smt. Radha.S)
Prl. Civil Judge & JMFC.,
Kanakapura.



-: ANNEXURE :-

1. List of witnesses examined for petitioner/s:

PW.1 : Sunanda

2. List of documents on behalf of the petitioner/s:

Ex.P1 : Certified copy of marriage
registered certificate

Ex.P2 : Death Certificate

Exs.P3 to 5 : Original Aadhar cards

Ex.P6 : RTC Extracts

Exs.P7 to 13 : Receipts of Fees details

Exs.P14 to 25 : Payslips

**3. List of witnesses examined on behalf of the
respondent/s:**

RW.1 : Chandrashekar

**4. List of documents produced on behalf of the
respondent/s:**

-NIL-

(Smt. Radha.S)
Prl. Civil Judge & JMFC.,
Kanakapura.