

ORDERS ON INTERIM MAINTENANCE APPLICATION
U/S 144(2) OF BNSS ACT 2023 FILED BY THE PETITIONERS

The petitioners have filed application seeking an order directing the respondent to pay an interim maintenance of Rs.20,000/- per month to both the petitioners.

2. According to petitioners, the petitioner No.1 is legally wedded wife of respondent and petitioner No.2 is their son and their marriage was solemnized on 13.12.2021 at Veerabhadraswamy Temple, Ganalu village as per Hindu rights and customs. After the marriage of the petitioner No.1 and respondent, the petitioner No.1 went to the house of the respondent and lived with him for seven months happily and the petitioner No.1 was conceived and she went to the parental house after that the petitioner No.2 was born on 03.02.2023. After that, the respondent did not look after the petitioner No.1 and 2 and after completion of 9 months of their child the respondent did not take the petitioner No.1 and 2 to his house. After that, parents of the petitioner No.1 held the panchayath before the well-wishers and elders at respondent's village, the respondent

demanded the additional dowry. Hence, the petitioner No.1 lodged a complaint against the respondent on 22.12.2023 before the women police station.

3. The petitioner No.1 further states that, the she is a house wife and unable to maintain herself and petitioner No.2 and her father is also dead. The respondent is working as data operator at Sericulture department at Kanakapura and has studied B.E and well educated and also earning from agriculture, Cocoon dairy farm and other source of income and earning Rs.30,000/- and earning the agriculture income of Rs.70,000/- totally earning the monthly income of Rs.1,00,000/-. However, the respondent is having illegal affair with one girl and also trying for second marriage. The conduct of the respondent is bad and negligent towards maintenance of his wife and son. In the said situation, the petitioners are unable to maintain themselves. Hence, filed this application.

4. To support the contention of the petitioners, Marriage Invitation Card, Marriage Photo with C.D, copy of the birth certificate of petitioner No.2, Copy of complaint, copy of FIR, copy of the petitioner No.1's Aadhar card and RTC is also produced. Upon going through the material placed on record it can be reflected that the petitioner No.1 and petitioner No.2 are the wife and son of respondent. At

this juncture, nothing are produced to show probability of income which respondent is getting.

5. However, at this stage the exact source of income of the respondent is improbable but the respondent being the husband of the petitioner No.1 and father of the petitioner No.2 it is his boundened duty to maintain the petitioners who are unable to maintain themselves under the provision of Sec. 144(2) of BNSS Act and is also liable to pay monthly maintenance towards litigation expanses incurred in the proceeding. As such considering the facts and circumstances of the case, relationship of the parties and their status, at this juncture the court is of the opinion that the petitioners are entitled interim maintenance during proceeding in order to meet basic necessities such as food, shelter, medical and litigation expanses of the petitioners. Hence, I proceed to pass following :

ORDER

The respondent is directed to pay of Rs.2,000/- for the petitioner No.1 and Rs.2,000/- for the petitioner No.2 respectively towards litigation expenses as interim maintenance from the date of application.

Issue notice to respondent. Call on 23.12.2024.

**II Addl. Civil Judge & JMFC,
Kanakapura.**