

18.05.2024

Petr:- Sri. M.N., Adv.,

Resp:- Sri. H.N.S., Adv.,

For Orders

ORDER ON INTERIM APPLICATION

Petitioners have filed petition U/Sec.125(1) of Cr.P.C., seeking maintenance of Rs.7,500/- each per month by the respondent.

2. In the application it is contended that, the petitioner No.1 is the legally wedded wife of respondent and the marriage of petitioner No.1 & respondent took place on 27.10.2017 at Haraluru village. At the time of marriage, the parents of petitioner No.1 have paid for a sum of Rs.1,50,000/-. After the marriage of petitioner No.1 & respondent lived together for a period of 1 year. Thereafter the respondent started to assault to the petitioner No.1 and demanded to bring the dowry of Rs.2,00,000/- from the parents house of petitioner No.1. The respondent completely neglected the petitioners to provide food, cloth, shelter and other basic needs of petitioners. The respondent without any reason picked up quarrel and abused in filthy language. The respondent is a agriculturalist and he is working as plumber and he is having ancestral properties. The respondent having income of Rs.40,000/- per month and got sufficient source of income to maintain the petitioners. The petitioners

not in position to do the any work. Hence, petitioners required maintenance for food, clothes and medicine. The respondent completely neglected and deserted the petitioners without any reasons and failed to provide the food, cloth & medicine. Hence prays to allow the application.

3. After serving of notice to the respondent, the respondent appeared through his counsel & filed memo stating the objections filed by the respondent to the main petition treated as objections to the application. In the objections the respondent admitted the relationship of petitioners. Further contended that, respondent filed M.C.No.38/2019 for the relief of Conjugal Rights and after filing of said petition the petitioner No.1 agreed to live with the respondent. It is false that, the respondent neglected the petitioners to provide food, cloth, shelter & other basic needs of the petitioners.

4. Further contended that, after marriage of petitioner No.1 & respondent, the petitioner No.1 and respondent lived only for a period of 4 months. The petitioner No.1 always demanding the respondent to make separate house in the Bengaluru, when the respondent refused to do the same, the petitioner No.1 used to quarrel with the respondent and his family members. The petitioner No.1 refused to matrimonial life with the

respondent. The petitioner No.1 has not co-operated with the respondent. The respondent given complaint before the Womens & Child Welfare Office on 26.06.2019 for restitution of Conjugal Right, the officials of the Womens & Child Welfare Office called the petitioner No.1 for enquiry but, the petitioner No.1 failed to appear before the Authority hence, the said authority given endorsement directing the respondent to approach the proper court of law. Hence, the respondent issued legal notice to the petitioner No.1 and called upon the petitioner No.1 to come and join the respondent. The petitioner No.1 has let the respondent without any reasonable ground. Hence, prays to reject the application.

5. Heard the counsel for petitioners and respondent.

6. Upon hearing the following points arises for my consideration:

1. Whether the application filed by the petitioners is deserves to be allowed?

2. What order?

7. My answer to the above points are as under:

Point No.1:- In the partly affirmative.

Point No.2:- As per final order
for the following:

REASONS

8. **Point No.1:-** The petitioners have filed petition seeking interim maintenance from the respondent. After issuing notice, the respondent appeared before the Court. The petitioner No.1 stated that, the respondent is earning Rs.40,000/- per month and got sufficient source of income to maintain the petitioners. The respondent being the husband and father of petitioner No.1 & 2 neglected to maintain the petitioners. Perused the records available but there is no dispute about relationship of the petitioners and the respondent. The petitioners and respondent have filed assets and liabilities affidavit but at this stage no documents have been produced by the petitioners to show the income of the respondent. At this stage I am of opinion that, the petitioners have made out prima-facie ground in their favour by considering the facts and circumstances of the case and present daily life needs this Court is of opinion that if Rs.5,000/- to the petitioner No.1 & Rs.2,000/- to the petitioner No.2 allowed as interim monitory relief would meet needs of petitioners. Accordingly, I answer point No.1 in the partly **Affirmative**.

9. **Point No.2:-** In view of above discussion in point No.1, I proceed to pass the following:

ORDER

The application filed by the petitioners U/Sec. 125(1) of Cr.P.C., is hereby allowed in part.

The respondent is hereby directed to pay monthly interim monitory relief of Rs.5,000/- to petitioner No.1 & Rs.2,000/- to the petitioner No.2 from the date of the application.

For petitioners evidence call on 26.06.2024.

**Prl. Civil Judge & J.M.F.C.,
Magadi.**