

KAUK030008712023



ORDERS ON INTERIM MAINTENANCE

1. The petitioner has filed the instant application U/S. 125(1) of Cr.P.C. seeking interim maintenance of Rs. 20,000/- per month from the respondent till the disposal of case.

2. In the accompanying affidavit it is stated that, marriage of the petitioner with the respondent has been solemnized on 22.07.2006 at Satyanarayan Temple, Belatangadi, Dakshina Kannada District as per the Hindu traditions and customs. Initially their marital life was pleasant. Respondent is engaged in the business of centering. However, after lapse of couple of days respondent started harassing the petitioner physically and mentally. Respondent used to doubt the character of the petitioner without there being any reasons and thereby used to take up quarrel with the petitioner. Respondent is

in the habit of drinking alcohol, he does not give money to the petitioner for sustenance of the family. Petitioner has taken loan from her relatives and friends for her livelihood. Due to the said wedlock, a son is born to them and he is named as Rudraksh. He is arrayed as petitioner No.2 in this case. Respondent is having a monthly income of more than Rs.25,000-30,000/-. As the marriage of the petitioner with the respondent is a love marriage, her parents have denied access to their home. That the petitioner and her son have been staying at separate house. Petitioner is not in a position to manage the daily expenses of herself and her son. Now the petitioner's son is 10 years old and it has become very difficult for the petitioner to manage the expenses which will be incurred in caring her son. That the respondent has not paid even a single penny to the petitioners since 2017 and he has willfully neglected the petitioners. Hence she prays to allow instant application.

3. Counsel for petitioners submitted that Hon'ble Principal Senior

Civil Judge and CJM was pleased to grant Rs.6,000/- per month to the petitioner No.1 as an interim maintenance in M.C.No.65/2021. Hence, this Court opines that Rs.6000/- is sufficient for the petitioner No.1 for her livelihood. It would suffice if an interim maintenance is awarded in favour of petitioner No.2

4. The petitioner has produced certified copy of the order sheet in M.C. proceedings, birth certificate and Aadhar Card of petitioner No.2, ration card and one RTC pertaining to Sy.No.129A hissa 11. After considering the materials on record, it prima facie appears that the Petitioner No.1 is the legally wedded wife and Petitioner No.2 is the son of the Respondent.

5. Under Section 125(1) of Cr.P.C. Magistrate can very well order for interim maintenance during the pendency of proceedings. This Court made it very clear that the order passed on this day is subject to the orders which will be passed on I.A. No.1 after appearance of the

Respondent by considering his objections. When the Respondent is having sufficient means, then it is his duty to look after the basic requirements of the Petitioners. By considering the present standard of living and also the basic requirements required for the Petitioner No.2, this Court is of the opinion that Rs.2,000/- per month as interim maintenance would suffice the matter. Hence this Court proceeds to pass the following:-

ORDER

The application filed by the petitioner U/S. 125(1) of Cr.P.C. is hereby partly allowed.

Accordingly, the respondent is hereby directed to pay the interim maintenance of Rs. 2000/- p.m. to the petitioner from the date of this order.

Issue notice to the Respondent on the main petition and also on I.A.No.1 if P.F. is paid.

R/by 24.07.2023.

Addl.Civil Judge&JMFC, Karwar.

Cri.Misc. 86/2023