

CrI Misc. 23/2023

ORDER ON INTERIM MAINTENANCE

The Petitioners have filed this petition U/s 125(1) of Cr.P.C. seeking maintenance from the respondent. In this petition the Petitioners have also filed I.A. No. I U/s 125(1) of Cr.P.C. with a prayer to grant exparte interim maintenance of Rs.15,000/- per month to each petitioners from the respondent pending final disposal of the main petition.

2. The application is supported with an affidavit sworn to by the Petitioner No.1 wherein she has stated that she is wife of the respondent and petitioner Nos. 2 and 3 are the children of the respondent. The respondent has started to harass her both physically and mentally. The same is continued for a long time. The respondent neglected to maintain the petitioner. She has further stated that she has no source of income to maintain herself. The respondent has sufficient means to pay the interim maintenance. The respondent is working as driver in the BMTC, Bengaluru and also he is having agricultural income and earning more than Rs. 50,000/- per month. The respondent without any reasonable cause has failed and neglected to maintain the petitioner. Upon these grounds it is prayed to grant exparte interim maintenance of Rs. 15,000/- per month to each petitioners.

3. I have heard the argument and perused the materials on record.

4. On going through the materials placed before the Court it appears that the petitioner No.1 is wife of and other petitioners are the children of the respondent. The petition averments and the affidavit in support of the application discloses that the respondent has refused and neglected to maintain the petitioners and the petitioners are unable to maintain themselves. The respondent being the responsible husband and father, he has to maintain the petitioners. If interim maintenance is not granted to the petitioners will be put to hardship. Hence, considering the above aspect, this Court is of the opinion that respondent has to be directed to pay interim maintenance to the petitioners.

5. The petitioners has produced invitation card, photo, adhar cards and birth certificate. It is the duty of the respondent to maintain his wife and children, when petitioners has no source of income even by doing coolie when he is physically fit. Having been considering the status of the parties, costs of essential commodities, this Court is of the opinion that at this stage each petitioners are entitled to interim maintenance of total Rs. 2,000/- per month towards maintenance till the disposal of I.A. No. 1 on its merits. Hence, this Court proceeds to pass the following:

ORDER

The respondent is directed to pay
interim maintenance of Rs. 2,000/- per

month to each petitioners from the date of application till disposal of the I.A. No. I on its merits.

Issue notice to respondent alongwith order on application under Section 125(1) of Cr.P.C. if PF paid.

Returnable by: 15/03/2023.

Sd/-

**Prl.Civil Judge & JMFC,
Honnavar**