

**ORDERS**

The present petition is filed U/s.125 of Cr.P.C. seeking monthly maintenance of Rs. 18,000/- to meet daily necessity of the petitioners.

The petitioners also filed interim application U/s. 125(2) of Cr.P.C. seeking interim maintenance of Rs.18,000/- to petitioners per month during the pendency of the petition.

The Petitioners pleaded that petitioner No.1 is the legally wedded wife of respondent and their marriage was solemnized on 23.04.2012 at Ramakshatriya Sababavana at Mirzana as per Hindus rituals. During marriage, petitioner No.1 parents has given a sum of Rs.75,000/- cash as well as gold and jewelry to the respondent. After the marriage she

lived with the respondent. Out of their wedlock petitioner No. 2 and 3 born to them. Petitioner No.1 further stated that in the beginning he was taking care of the petitioner thereafter respondent started to ignoring the petitioners and not providing the basic facilities to the petitioners. He also started to give mental and physical harassment to the petitioner. Petitioner No.1 contended that the respondent not providing any financial assistance to the petitioners.

3. It is stated that the respondent has completely neglected to maintain petitioners without any lawful excuse. They are living with great difficulty being unable to maintain themselves. Hence filed this petition.

4. The points that arises for my consideration are:

1. Whether the petitioners are entitled for Interim maintenance, if so, at what rate?

2. What order?

5. My answer to the above points are as follows:

Point No.1 : Partly in affirmative

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

### **REASONS**

6. **POINT No. 1:** Learned counsel for the petitioners has argued that the relation between the parties are undisputed, the respondent can not evade the obligation of payment of maintenance to his wife and children. As the petitioners have no other means to maintain themselves, prayed for interim maintenance.

7. On perusal of pleadings and the documents produced in this case, relationship between petitioners and

respondent are husband and wife. At this juncture on the basis of available materials, I am of the opinion that the respondent is bound to maintain his wife and children. The petitioner has furnished the marriage invitation card, Adhar Card Copy of Petitioner No.1 and 3, The said documents prima facie disclose that the petitioner No.1 is the wife and petitioners No.2 and 3 are the children of the respondent. The said documents are supported by the affidavit filed by the petitioner No.1. In the petition as well as in the affidavit, the petitioners stated that the respondent is earning Rs.3,00,000/- per month from his business and has got the capacity to pay the maintenance sought by her.

8. The petitioner No.1 has filed affidavit declaring her assets and liabilities. But the monthly maintenance of Rs.18,000/- claimed by the petitioners appears exorbitant. But,

respondent being the husband of the petitioner No.1 and father of petitioner No. 2 and 3 being duty bound, the respondent is under the obligation of maintaining the petitioners. Considering the said aspects, the petitioners have made out prima facie grounds for grant of interim maintenance, at this point of time. Without going for discussion on merits of the case, I am of the opinion that if a proportionate maintenance is granted till the disposal of the case, it would meet the ends of justice . Hence, I answer Point No.1 partly in the affirmative.

10. **POINT No. 2:** For the reasons stated above, I proceed to pass the following:

**ORDER**

The application filed by the petitioners for interim maintenance is hereby partly allowed.

The respondent is directed to pay monthly maintenance of Rs.5,000/- to petitioners from the date of the petition till further orders.

Issue emergent notice to the respondent along with interim application returnable by 19.4.2024.

Sd/-

**Pri. JMFC., Kumta.**