



IN THE COURT OF CIVIL JUDGE AND J.M.F.C. MUNDGOD

Present:

Akshatha C.R. B.B.A.,LL.B.(Hons.)
Civil Judge and JMFC, Mundgod.

Dated: 24th Day of April, 2026

Criminal Misc. No.348/2025

PETITIONERS:-

1. Smt. Shanta W/o Inju Gowli,
Age: 25 years, Occ: Household,
2. Kum. Nikita D/o Inju Gowli,
Age: 05 years, (minor) (represented by her mother
petitioner No.1)
3. Kum. Sneha D/o Inju Gowli,
Age: 02 years, (minor) (represented by her mother
petitioner No.1)
4. Bharat S/o Inju Gowli,
Age: 08 months, (minor) (represented by her mother
petitioner No.1)

All C/o Lakku Thorwath,
R/o: Kalakekare, Mainalli,
Tq: Mundgod, Uttara Kannada.

(By Sri.N.B.S., Advocate)

V/s

RESPONDENT:-

Inju S/o Nagu Gowli,
Age: 30 years, Occ: Agriculturist,
R/o: Chandragiri, Post: Kambaraganavi,
Tq: Dharwad, Dist: Dharwad.



(By Sri.B.D.N/S.K.K., Advocate)

ORDERS ON APPLICATION FILED UNDER SECTION
144(1) OF BNSS

The petitioners have filed this application under Section 144(1) of BNSS seeking interim maintenance at the rate of Rs.5,000/- per month to each of them from the hands of the respondent till the disposal of the main petition.

2. In the accompanying affidavit sworn to by the petitioner No.1 it is stated that, her marriage with the respondent was solemnized on 31-05-2019 at the respondent's town Chandragiri village, as per the rites and traditions prevailing in the Hindu religion, in the august presence of the elderly members. They are blessed with 3 children from their wedlock. That the respondent joyfully led his life along with her only the period of 1 year. Thereafter, he used to assault her by coming home drunken. He used to quarrel with her over trival issues,



used to assault, abuse her and physically and mentally harassed her. However, she tolerated all his acts just to save their marital relationship and also in the fond hope that, he would come to right track one or the other day. That she was well taken care of only till the birth of 3 children. After them respondent and his family members altogether used to assault and harass her, asking her to bring money and valuables from her parental house. They used to say that her parents have not given anything. In case she fails to bring as demanded, she was asked to leave their house. Nonetheless, she tolerated everything and attempted to lead happy marital life with the respondent. However, the respondent with the instance of his parents used to ironically talk to her and physically torture her. When she communicated the same at her parental house her family members and elderly members came over and convened the panchayat. He was counseled. However, he did not change. At last, on 05-08-2024 during late night hours, the respondent and his parents ousted her and the children from the house stating that, she cannot reside



therein till she brings money and valuables from her parental house. On that day throughout the night she resided at the cowshed with her children. The next morning, when she tried to enter the house respondent and his parents thrown her out by holding her hair and snatched 4 tholas of golden mangalsutra from her neck. Since then, neither respondent nor his family members have taken them back nor attempted to take back. Having left the no other option she is residing at her parental house along with her children, even being burden for them. It is further stated that, respondent owns 9 acres of land at his town and he grows sugarcane crop and thereby earns around Rs.12,00,000 to 15,00,000/- per annum. That apart he earns around Rs.20,000/- per month from other deeds. Such being the case he is financially stable to maintain them. Thenceforth, their ouster from her matrimonial house, respondent has not responded to their needs in any manner. That, he has neglected them although he is economically stable. In this backdrop they



sought to direct the respondent to pay them the interim maintenance at the rate of Rs.5,000/- per month.

3. Respondent protested the petitioners' claim by filing common objections. Conversely he contended that petitioner No.1 conducted herself in good manner only for few days after their marriage and thereafter she exposed her real image. She used to unnecessarily quarrel with him and his family members and she did not used to do any of the domestic works. Even she not used to cook food. She used to force him to bring the food from the hotel on the daily basis. When he does not follow her words, she used to blame him in the presence of his relatives and friends. However, he tolerated all her acts in the fond hope that, she may change. However, she used to physically and mentally torture him for one or the other reasons. Besides, she used to threaten him stating that, she would file complaint and will send him behind the bars. That, she deserted her matrimonial house along with the golden ornaments and cloths, when he was not at house.



Subsequently, when the panchayat was convened in the presence of the elders, she refused to lead life with him. It is further contended that he is of innocent nature and carry good reputation in the society. Such being the case petitioner No.1 developed the habit of misusing his innocence and of making false allegations. That she has filed this petition with an intention of harassing him. It is avowed that he has never turned out his face from his obligations. He has well taken care of the petitioners. He avows that he is not economically stable and owing to the physical and mental torture afflicted by the petitioner No.1 upon him, even he is not stable to do any work as of now. He claims that he does not any agricultural land nor has he any income from the agriculture. That he finding it difficult even to look after his parents. That he earns around Rs.5,000/- per month from his day labour. In this backdrop he urge that he is not economically stable and that he has ever providing and ensuring the necessities required to lead a life. That he has never neglected them. It is contended that petitioner No.1 by coming under the



influence of his rival parties has filed this petition. *Inter alia* he sought to dismiss the I.A. with costs.

4. Anent to the assertions and contentions of the parties, the following points arise for the determination of this Court.

1. Whether the petitioners are entitled for the interim maintenance? If so, at what rate?

2. What order?

5. Answers to the above points are as follows.

Point No.1: Partly in the Affirmative

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

REASONS

6. **Point No.1:** This application is filed by the petitioners seeking interim maintenance of Rs.5,000/- per month for each of them from the respondent. The petitioners in support of their case have produced the photocopy of the Wedding Invitation Card, photocopy of Birth Certificate of petitioner No. 4, copy of Aadhar card of



petitioner No.1 to 3 and the respondent. on the other hand respondent has not produced any documents.

7. Irrespective of whether the wife is employed or not, the obligation always lies on the part of the husband to maintain his wife and children. When the respondent is having sufficient means, then it is his duty to look after the basic requirements of the petitioners. It is not only the legal obligation rather moral obligation. If he fails to discharge the said obligation, it is his wife and children who suffer from starvation for no wrong on their part. The main petition and the interlocutory application filed by the petitioners is resisted by the respondent on the ground of no fault on his part. Nevertheless from the objections of the respondent it can very well be inferred that he is not denying his relationship with that of the petitioners. A wife is entitled to maintenance at the living standards equivalent to those enjoyed during the marriage as established in various legal precedents. It is settled proposition of law that a wife and children are entitled to be



maintained at the same standard of living as she and the children had in the matrimonial home even during the pendency of maintenance proceedings and the respondent husband is obligated to provide for it. That the respondent cannot plead poverty or lack of means as a valid excuse. The right to maintenance is an absolute right and the husband is obligated to support his wife and children unless they are disqualified. Whether the petitioner No.1 has voluntarily deserted the respondent without having genuine reasons is a matter of trial. This Court cannot presume the things on its own. At the same time, this Court cannot hold mini trial for the sake of disposal of this application.

8. I have carefully gone through the affidavit of assets and liabilities filed by petitioner No.1. Respondent chose not to file his affidavit. Therefore, such a omission call this Court to raise adverse inference. Her affidavit discloses that, she is unemployed and she has no source of income.



9. In ***Badshah v. Urmila Badshah Godse and Anr. reported in (2014) 1 SCC 188***, the Hon'ble Supreme Court of India explained the justification for granting maintenance by stating that "*maintenance is provided with the goal of strengthening the poor and attaining social justice, or individual equality and dignity. It encapsulates societal ideals.*" The right to demand maintenance is statutory in India, and it cannot be taken away by an agreement to the contrary. Maintenance might be granted throughout the course of the proceedings (maintenance *pendente lite*) or after the completion of the proceedings (maintenance final), that is permanent maintenance. The right to claim maintenance is available to wives, children, and parents."

10. The Hon'ble Delhi High Court in ***Kusum Sharma v. Mahinder Kumar Sharma*** reported in ***AIR 2015 Delhi 53*** it was observed "*that maintenance is not only a constitutional right but also an element of universal*



human rights. The purpose of paying maintenance is twofold,

First, to prevent vagrancy as a result of strained husband-wife relationships, and

To guarantee that the poor litigating spouse is not crippled as a result of a lack of funds to defend or prosecute the case.”

11. In the opinion of this Court, granting of interim maintenance/maintenance will not suffice the matter. The real question for consideration here is whether the amount of interim maintenance/maintenance granted in favour of the petitioners would be sufficient to meet the basic necessities of life or not. It can be seen that, there are 3 children from their wedlock and they are respectively aged about 5 year 4 months, 3 year 10 months and 10 months old. Hence by considering the present standard of living and also the basic requirements required for the petitioners, this Court is of the opinion that Rs.3,000/- per month has to be awarded to the petitioner No.1 and Rs.1,000/- per month to the petitioner No.2 to 4 as an



interim maintenance. Hence, this Court answers the Point No.1 **Partly in the Affirmative.**

12. **Point No.2:** For the foregoing reasons, this Court proceeds to pass the following.

ORDER

The application filed by the petitioner under Section 144(1) of BNSS is hereby partly allowed.

The respondent is hereby directed to pay Rs.3,000/- (Rupees Three Thousand Only) per month to petitioner No.1 and Rs.1,000/- (Rupees One Thousand Only) per month to petitioner No.2 to 4 as an interim maintenance from the date of this application.

No order as to cost.

(Dictated to the Stenographer directly on computer, corrected, signed by me and then pronounced the Order in the Open Court on this the 24th day of April 2026)

(AKSHATHA C.R)
Civil Judge and JMFC.,
Mundgod.