



IN THE COURT OF THE CIVIL JUDGE & JMFC,
AT SIDDAPURA

Present: Sri.UMESHA M.P. B.A.L, LL.B.,
Civil Judge & JMFC,
Siddapura

DATED: ON THIS THE 16th DAY OF OCTOBER - 2025

Crl. Misc. No.63 / 2025

PETITIONERS:

1. **Smt. JAYALAKSHMI RAGHAVENDRA MADIVAL,**
Aged about 25 years, Occ: Nil,
R/o Opp: Plywood Factory, Ranganath Colony,
Talaguppa, Tq: Sagara, Dist: Shivamogga,
Now residing at Dombekai, Village: Mutthige,
Tq: Siddapur, Dist: Uttara Kannada.
2. **KUSHANI RAGHAVENDRA MADIVAL,**
Aged about 02 years, since minor represented
by her natural guardian mother
Smt. JAYALAKSHMI RAGHAVENDRA MADIVAL ,
Aged about 25 years, Occ: Nil,
R/o Opp: Plywood Factory, Ranganath Colony,
Talaguppa, Tq: Sagara, Dist: Shivamogga,
Now residing at Dombekai, Village: Mutthige,
Tq: Siddapur, Dist: Uttara Kannada.
(Represented by Sri.SN., Advocate)

-V/s-

RESPONDENT:

RAGHAVENDRA G,
Aged about 33 years, Occ: Labour,
R/o Opp: Plywood Factory, Ranganath Colony,
Talaguppa, Tq: Sagara, Dist: Shivamogga,
(Represented by Sri.TGS., Advocate)

ORDERS ON IA No. I

The advocate for petitioners filed I.A.No.I U/Sec.144(1) of BNSS,
praying to grant monthly monetary benefit amount of Rs.30,000/- to the
petitioners from the respondent till disposal of this petition.



2. In support of the interim application, the petitioner No.1 has filed her sworn affidavit contending that, she is legally wedded wife of respondent. It is further stated that, the petitioner No.2 is the daughter of the respondent. It is stated that, the petitioner No.1 is unable to maintain herself and she has no source of income and now she is temporarily living in her parental house. It is further stated that, the respondent has not paid any relief to her for monthly maintenance. It is further stated that, the respondent is running a Fast food shop at Talaguppa of Sagar Tq and the respondent is having agricultural land and he is getting income of Rs.3,000/- per day. It is further stated that, the respondent is having capacity to pay monthly maintenance of Rs.15,000/- to the petitioners. If the present interim application is not allowed, then she will be put to irreparable loss. Hence, she prayed to allow the interim application.

3. In the petition, the petitioner No.1 contended that, her marriage with respondent was solemnized on 26.12.2021 at Dasanagadde Rangamandira, Siddapur as per Hindu custom as per their rites and customs prevailing in their community in the presence of parents, elders and well-wishers. It is further stated that, the marriage of the petitioner No.1 with the respondent was registered before the Sub-Registrar, Sagar vide document bearing No.SGR-HM286-2022-2023 dated:23.06.2022. It is further stated that, after the marriage, the petitioner No.1 went to the house of respondent to lead marital life with the respondent and the petitioner and respondent have lead happy married life for about several months in the respondent's house. It is further stated that, due to the said wedlock, the petitioner No.2 was born to the petitioner No.1 and the respondent on 06.10.2023. It is further stated that, the respondent has started assaulting and giving ill treatment to the petitioner No.1 without any reasons by consuming alcohol. It is further stated that, the respondent given physical and mental harassment to the petitioner No.1. It is further stated that, the petitioner No.1 resisted his activities, the respondent



subjected her to physical and mental harassment. It is further stated that, with a hope that the respondent would change his behavior, the petitioner No.1 tolerated all the harassment. It is further stated that, the respondent did not change his behavior. It is further stated that, the respondent has harassed the petitioner No.1 physically and mentally and the respondent assaulted the petitioner No.1 and drove out from his house. It is further stated that, the respondent has not provided medical treatment to the petitioners. It is further stated that, the petitioner No.1 is unable to maintain herself and she has no source of income and now she is temporarily living in her parental house. It is further stated that, the respondent has not paid any relief to her for monthly maintenance. It is further stated that, the respondent is running a Fast food shop at Talaguppa of Sagar Tq and the respondent is having agricultural land and he is getting income of Rs.50,000/- per Month. It is further stated that, the respondent is having capacity to pay monthly maintenance of Rs.20,000/- to the petitioners. Therefore, the respondent has ill-treated, gave mental and physical torture and drove her out of his house. Therefore, the petitioners are required monthly maintenance of Rs.20,000/- to lead their lives. Therefore, she prayed to allow the petition and grant the reliefs as sought for.

4. After service of notice the respondent has appeared before this Court through his counsel and filed his objections contending that, the petitioner No.1 has filed false petition against him. It is further contended that, the petition filed by the petitioner is not tenable under law. He has admitted the marriage with the petitioner No.1 and the relationship with the respondents. It is further contended that the respondent has never ill-treated the petitioner No.1 and much less any person. It is further contended that, the respondent attempts to bring her on right path has infuriated the petitioner No.1 to falsely claim as to suffering physical torture at the hands of respondent. It is further contended that, the petitioner No.1 is attempting to mislead court by pleading



the false. It is further contended that, the petitioner No.1 is not entitled for the same as she herself has deserted the matrimonial home and she is residing at her parental house as alleged, at no point of time respondent has ill-treated her physically and mentally. Hence, he prayed to dismiss the present petition filed by the petitioner with costs.

5. Heard the arguments of both the sides on IA No.1 and perused the records.

6. The following points arises for my consider;

1. Whether the IA–No. I filed by the petitioner No.1 deserves to be allowed at this stage?

2. What order?

7. On considering and on assessing the oral and documentary evidence placed on record, now my answers to the above points are as follows:

Point No.1 : In the Affirmative

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

REASONS

POINT NO. 1:

8. The petitioners have filed this petition U/Sec.144 of BNSS, claiming maintenance of Rs.15,000/-per month from the respondent.

9. The advocate for petitioner filed IA No.I U/Sec.144(1) of BNSS, praying to grant monthly monetary benefit amount of Rs.20,000/- to the petitioners from the respondent till disposal of this petition.

10. The counsel for the petitioner argued that, the petitioner No.1 is the legally wedded wife of the respondent. It is further argued that, the marriage of the petitioner No.1 with respondent was solemnized on 26.12.2021 at Dasagadde Rangamandira, Siddapura as per Hindu custom as per their rites and customs prevailing in their community in the presence of parents, elders



and well-wishers. It is further argued that, the marriage of the petitioner No.1 with the respondent was registered before the Sub-Registrar, Sagar vide document bearing No.SGR-HM286-2022-2023 dated:23.06.2022. It is further argued that, after the marriage, the petitioner No.1 went to the house of respondent to lead marital life with the respondent and the petitioner and respondent have lead happy married life for about several months in the respondent's house. It is further argued that, due to the said wedlock, the petitioner No.2 was born to the petitioner No.1 and the respondent on 06.10.2023. It is further argued that, the respondent has started assaulting and giving ill treatment to the petitioner No.1 without any reasons by consuming alcohol. It is further argued that, the respondent given physical and mental harassment to the petitioner No.1. It is further argued that, the petitioner No.1 resisted his activities, the respondent subjected her to physical and mental harassment. It is further argued that, with a hope that the respondent would change his behavior, the petitioner No.1 tolerated all the harassment. It is further stated that, the respondent did not change his behavior. It is further argued that, the respondent has harassed the petitioner No.1 physically and mentally and the respondent assaulted the petitioner No.1 and drove out from his house. It is further argued that, the respondent has not provided medical treatment to the petitioners. It is further argued that, the petitioner No.1 is unable to maintain herself and she has no source of income and now she is temporarily living in her parental house. It is further argued that, the respondent has not paid any relief to her for monthly maintenance. It is further argued that, the respondent is running a Fast food shop at Talaguppa of Sagar Tq and the respondent is having agricultural land and he is getting income of Rs.50,000/- per Month. It is further argued that, the respondent is having capacity to pay monthly maintenance of Rs.20,000/- to the petitioners. Therefore, the respondent has ill-treated, gave mental and physical torture and



drove her out of his house. Therefore, the petitioners are required monthly maintenance of Rs.20,000/- to lead their lives. Therefore, she prayed to allow the petition and grant the reliefs as sought for.

11. The counsel for the respondent argued that, the petitioner No.1 has filed false petition against him. It is further argued that, the petition filed by the petitioner is not tenable under law. It is admitted the marriage with the petitioner No.1 and the relationship with the respondents. It is further argued that, the respondent has never ill-treated the petitioner No.1 and much less any person. It is further argued that, the respondent attempts to bring her on right path has infuriated the petitioner No.1 to falsely claim as to suffering physical torture at the hands of respondent. It is further argued that, the petitioner No.1 is attempting to mislead court by pleading the false. It is further argued that, the petitioner No.1 is not entitled for the same as she herself has deserted the matrimonial home and she is residing at her parental house as alleged, at no point of time respondent has ill-treated her physically and mentally. Hence, he prayed to dismiss the present petition filed by the petitioner with costs.

12. The petitioner No.1 has placed the Marriage Invitation card of her marriage with the respondent, notarized copy of Certificate of Marriage of petitioner No.1 with the respondent, notarized copy of Adhaar Card of the petitioner No.2, Notarized copy of Adhaar Card of the petitioner No.1, notarized copy of birth certificate of the petitioner No.2, Notarized copy of Ration card of the respondent's family, Notarized copy of discharge summary of petitioner No.1, Notarized copy of FIR in Crime No.0136/2025 of Sagar Rural PS which was filed by her against the respondent for the offence P/U/Sec.85, 115(2),352,351(3) of BNS, Notarized copy of Mother Card of petitioner No.1.



13. Further, the petitioner No.1 has filed her assets and liabilities as per the direction of the Hon'ble Apex Court in the case of Rajaneesh -V/s- Neha and others reported in (2021)2 SCC 324.

14. Further, the respondent has filed his assets and liabilities as per the direction of the Hon'ble Apex Court in the case of Rajaneesh -V/s- Neha and others reported in (2021)2 SCC 324.

15. It is averred in the petition and also stated by petitioner No.1 in her sworn affidavit that the respondent is getting sufficient source of income. The petitioners have no source of income. Of course, the petitioners have not produced any documents to show the same. The petitioner No.1 has deposed on oath that the respondent has got sufficient source of income so as to maintain themselves. Therefore, it has to be held here that the respondent in spite of sufficient source of income has neglected and failed to maintain the petitioners.

16. The petitioners have sought for maintenance of Rs.10,000/- per month. As already stated above, the petitioners have not produced cogent documentary proof with respect to exact source of income of the respondent. However, the respondent being the husband of petitioner No.1 and the father of the petitioner No.2 has duty bound to maintain the petitioners and thereby failed to provide minimum basic amenities like food, cloth and shelter, and thereby failed to maintain the petitioners. As could be seen from cause title, the petitioner No.1 is aged about 25 years. As could be seen from cause title, the petitioner No.2 is aged about 02 years. These facts have not been denied by respondent. Therefore, considering the cost of living in the society, including facts and circumstances of the case, this Court is of the considered view that award of maintenance of Rs.10,000/- would meet the ends of justice and it will not cause any hardship and inconvenience to the respondent also.



17. The petitioner No.1 stated in her affidavit that the respondent is neglected the petitioners and he is not providing minimum basic amenities like food, cloth and shelter to the petitioners. The respondent had not provided any maintenance to the petitioners. The monitory benefit asked by her in her petition only due to the violence given by the respondent. Under Section 144 of the Act empowers this court to pass orders in respect of monitory reliefs to the aggrieved woman from the respondent to meet out the expenses towards minimum basic amenities like food, cloth and shelter to the petitioners and maintenance of the aggrieved persons.

18. I have gone through the entire pleadings and documents on record. In this case, the petitioners have not produced any documents to show that, the respondent is getting income of Rs.50,000/-per month. Hence, at this stage, the Court cannot go into the details and it is matter to be dealt after the evidence. Therefore, in view of the relationship between the parties, the respondent is bound to maintain the petitioners. It is also trite that court can take judicial notice of the inflation sky rocketing of prices as held by Supreme Court in AIR 1995 SC 498. The monitory benefit asked by her in her petition only due to the violence given by the respondent. Under Section 144 of the Act empowers this court to pass orders in respect of monitory reliefs to the aggrieved woman from the respondent to meet out the expenses incurred towards minimum basic amenities like food, cloth and shelter to the petitioners and maintenance of the aggrieved person and her children including maintenance under or in addition to Section 144 of BNSS., or in other law for the time being in force. Hence, I am of the considered opinion that the respondent is having sufficient source of income to provide interim maintenance to the petitioners. The petitioner No.1 is a help less lady and she is unable to earn for her own livelihood. Hence, the petitioners are entitled for interim maintenance. Therefore, I am of the opinion that, looking to the facts



and circumstance of the case and financial condition of both the parties, it is just and proper to award interim maintenance of Rs.10,000/- per month to the petitioners from respondent till pending disposal of the petition. In that event, no hardship and injustice would be caused to both the parties. Therefore, for the reasons discussed above I answer Point No.1 partly in the Affirmative

POINT No.2:

19. In view of my findings on Point No.1, I proceed to pass the following:

ORDER

I.A.No.I filed by the petitioners U/Sec.144(1) of BNSS is partly allowed.

The respondent is directed to pay the interim maintenance of Rs.10,000/-per month to the petitioners from the date of this petition till pending disposal of the petition.

The Interim maintenance of Rs.10,000/- is awarded to the petitioners with a direction to the respondent to pay monthly maintenance on or before 5th day of each month till pending disposal of this petition.

(Dictated to the Stenographer on Computer directly, typed by her, Order corrected and signed by me, then pronounced by me in the Open Court on this 16th day of OCTOBER - 2025)

(UMESHA.M.P)
Civil Judge & JMFC,
Siddapur