

KAVN040039682025



**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE & J.M.F.C.,  
VIJAYANAGARA DISTRICT, HOSAPETE**

**Present:**

**SRI. PRASHANTH NAGALAPUR,**

B.B.A., LL.B.,(Hons).

Prl. Civil Judge & JMFC,

Vijayanagara District, Hosapete.

**Dated this 06<sup>th</sup> day of January, 2026**

**CrI.M.C.651/2025**

**Petitioner :**

Smt.Banu wife of Iliyas, Aged 21 years, Housewife, R/o 4<sup>th</sup> Ward, 3<sup>rd</sup> Cross, near Chowdamma Temple, Hosamalapanagudi village, Hosapete taluk, Vijayanagara District.

**(By Sri. Zakir Bakery, Advocate)**

**- Vs -**

**Respondent :**

Iliyas son of Madar Sab Bapari, Aged 25 years, Businessman, R/o 16<sup>th</sup> Ward, J.P.Nagar, behind Bilal Masjid, Karatagi 583229, Koppal District.

**( E x p a r t e )**

**ORDER**

1. The petitioner has filed this petition under Section 144 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking an order of allowance for maintenance of Rs.30,000/- per month against the respondent.

2. The petitioner is the wife of the respondent. The marriage was performed on 09.01.2022 at Belagatti village of Koppal District as per the rites and customs prevailing in their community and in the presence of elders and well wishers. The petitioner joined the company of the respondent and led happy married life at Karatagi town of Koppal District. At the time of marriage, the family of the petitioner gave 4 tolas of gold ornaments along with other customary offerings. Shortly after the marriage, the petitioner was subjected to mental and physical cruelty by the respondent with a demand of Rs.5 Lakhs for starting new business. With great difficulty, the family of the petitioner arranged Rs.30,000/- and Rs.40,000/- in 2022 and 2024 and gave it to the respondent. Despite said fact, the torture continued and the demands escalated. On 25.02.2025 the respondent has driven the petitioner out of the house when she failed to meet his demand. Having no other option, the petitioner residing in her parents house at Hosapete. The respondent who is a businessman earning more than Rs.1,50,000/- per month through cattle trading, has neglected and refused to maintain the petitioner. The petitioner has no

independent income and she is in need of maintenance for her survival and dignity. Therefore the petitioner has sought an order to allow the petition.

3. After service of notice the respondent did not appear before the court and therefore the petition is heard exparte.

4. To prove her contention, the petitioner got examined herself as PW 1 and got marked Ex.P.1 to 3.

5. I have heard the arguments advanced on by Sri BZ Advocate on behalf of the petitioner.

6. The following points arise for determination.

1) Whether the petitioner is entitled to receive allowance for her maintenance as sought in the petition?

2) What order ?

7. My answer to the above points are as under :-

Point No.1 .. Partly in the Affirmative,

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

### **REASONS**

8. **POINT No.1** :- The present petition is filed under Section 144 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking allowance for maintenance of Rs.30,000/- per month.

**9.** The marriage of the petitioner and respondent took place at Belagatti village of Koppala district on 09.01.2022 . The respondent has allegedly subjected the petitioner to mental and physical cruelty, driven her out of the house and refused to take her back. Now the petitioner is unable to maintain herself. The burden of proving these facts is on the petitioner.

**10.** The petitioner/PW 1 has reiterated the contents of the petition in her affidavit. The respondent has chosen not to contest the matter despite service of the notice. The conduct of the respondent goes to show that he is deliberately avoiding the proceedings in order to escape from liability. The oral evidence of PW 1 remains unshaken as on this day. There are no grounds to disbelieve the version of the PW 1.

**11.** The petitioner has produced the documents such as wedding invitation card, Nikahnama and bill issued by Ahale Sunnathi Islamia Jamath, Belagatti, Koppal taluk and district. These documents are marked as Ex.P.1 to 3. The contents of Ex.P.1 to 3 disclose that the marriage/Nikah of the petitioner and respondent took place on 09.01.2022 at Belagatti village, Koppal district as claimed in the petition. Therefore, I come to the conclusion that the petitioner is the wife of the respondent.

**12.** The allegations made in the petition and the oral evidence of PW 1 point out that the respondent has subjected the petitioner to mental and physical cruelty at Karatagi town

after the marriage. It is also clear that the respondent has driven the petitioner out of the house. It is also very much clear that the respondent has not made any arrangements for maintenance of the petitioner. The petitioner has got no independent income as per the contents of the petition and the evidence available on record. The petitioner is certainly not able to maintain herself. Therefore, the respondent is liable to pay allowance for maintenance of the petitioner.

**13.** The petitioner is a woman having no independent income. The petitioner would not survive or would not lead a dignified life if no order for maintenance is passed. The respondent is doing cattle trading, which is not in dispute. As per the version of the petitioner, he has sufficient income to maintain her. Though the petitioner has contended that the respondent is earning more than Rs.1,50,000/- per month, the said aspect cannot be held proved due to lack of evidence. However, it is possible to draw an inference that the respondent is indeed doing the cattle trading and therefore, he has not disputed the said fact. In my considered opinion, the respondent is capable of generating monthly income of Rs.20 to 30 thousand per month.

**14.** The respondent is bound to pay maintenance to the petitioner in order to see to that the petitioner live with dignity. In the facts and circumstances of the case, considering the lifestyle of the parties, cost of living as on this day and the capacity of the respondent, I deem it proper to award allowance of maintenance

of Rs.5,000/- to the petitioner per month from the date of petition till its disposal. **Hence I answer Point No.1 partly in the Affirmative.**

**15. POINT No.2 :-** In view of the foregoing reasons, I proceed to pass the following :-

**ORDER**

Application filed under Section 144 of Bharatiya Nagarik Suraksha Sanhita, 2023 by the petitioner seeking allowance for maintenance is allowed in part.

The respondent is liable to pay allowance for maintenance of Rs.5,000/- per month to the petitioner from the date of petition till its disposal.

*(Dictated to the Stenographer directly on computer, typed by him on computer and corrected by me, then pronounced in the open Court on this day 06<sup>th</sup> day January, 2026)*

**(PRASHANTH NAGALAPUR)  
PrI. Civil Judge & JMFC.,  
Vijayanagara District, Hosapete.**

**ANNEXURE**

**LIST OF WITNESSES EXAMINED FOR PETITIONERS :-**

PW.1 : Smt.Banu

**LIST OF DOCUMENTS MARKED FOR PETITIONERS :-**

Ex.P.1 : Wedding invitation Card

Ex.P.2 : Nikah Nama

Ex.P.3 : Shadi Bill Book

**Prl. Civil Judge & JMFC.,  
Vijayanagara District, Hosapete.**