

**IN THE COURT OF SENIOR CIVIL JUDGE AND JMFC
HAGARIBOMMANAHALLI**

Dated this the 09th day of April 2026

PRESENT
MADHUSUDHANA D K. B.A. LLB.
Senior Civil Judge & JMFC
Hagaribommanahalli

Crl.Misc. No.222/2024

***PETITIONERS: Smt. P. H. Jayamma
and Another***

V/s

RESPONDENT: Sri. Ramamurthy

***ORDERS ON IA NO.1 FILED BY THE PETITIONER NO.1
UNDER SECTION 125(2) OF CR.PC.***

The Petitioners No.1 and 2 have filed the above IA No.1 under Section 125(2) of Cr.PC by seeking Interim Maintenance of ₹ 10,000/- each Per Month from the Respondent.

2. The Case of the Petitioners is that, the Respondent is the husband of the Petitioner No.1 and father of the Petitioner No.2. The Petitioner No.1 has married the Respondent on 21.04.2006 and after the Birth of Petitioner No.2, the Respondent has started ill-treatment to the Petitioners and the Respondent had contracted Second Marriage with one Manjula and on 02.05.2024, the Respondent and his Second Wife have tried to commit the Murder of the Petitioner No.1 and by picking up quarrel, the Respondent has thrown out the Petitioners from his House. Since then, the Respondent has not looked after the Petitioners Maintenance and the Petitioners are residing with the

Parents of the Petitioner No.1. For these reasons, the Petitioners have prayed for Interim Maintenance by filing the IA No.1.

3. The Respondent has appeared and he has filed Objections to the Main Petition. The Respondent has denied the entire Case of the Petitioners as false. He has contended that, *the Petitioner No.1 has filed Police Report about inflicting of cruelty by the Respondent and he is not the husband of the Petitioner No.1. The Respondent is not having any Income as alleged by the Petitioners. The Petitioners have falsely claimed Maintenance Amount of ₹ 10,000/- each Per Month and the Respondent has married one Manjula and he is also having two Children through his Wife.* For these reasons, the Respondent has prayed for dismissing the Petition.

4. I have heard arguments on the IA No.1 and perused the Material placed on Record.

5. On appreciation the Material placed on Record, the Points that are arise for My consideration are as follows:

POINTS

- 1) *Whether the Petitioner No.1 is having Justifiable reasons for keeping away from the company of the Respondent?***
- 2) *Whether the Petitioners are entitled for the monthly maintenance as prayed in the IA No.1 ?***
- 3) *What order?***

6. Now, My answers to the above Points are as follows:

ANSWERS***POINT NO.1 : In the Affirmative******POINT NO.2 : Partly in the Affirmative******POINT NO.3 : As per the final order
for the following:*****REASONS**

7. ***POINTS NO.1 and 2 :*** Since these two Points are inter-linked, they are discussed together. I have already narrated the case of the Petitioners and the Respondent at the inception of the above Orders and therefore, to avoid repetition of narration, I will not reiterate the same here.

8. Along with the Petition, the Petitioner has produced FIR and Complaint in Crime No.52/2024 dated 04.05.2024 Registered against the Respondent No.1, his Second Wife and others. The said Criminal Case is Registered in respect of the Offenses Punishable under Sections 498A, 323, 354 and 506 of IPC. The Petitioners have produced Aadhar Cards and Marriage Invitation Card to show that, the Respondent had married the Petitioner No.1 on 21.04.2006 at Hampi Virupaksha Temple. The Aadhar Cards contain the name of the Respondent as the Husband and Father of the Petitioners No.1 and 2. Therefore, the ill-treatment and inflicting of cruelty is the justifiable ground for the Petitioners to reside separately from the Respondent. Therefore, ***the Point No.1 is answered in the Affirmative.***

9. The Petitioners have not produced any Documents showing the Actual Income of the Respondent. The Petitioners have stated the occupation of the Respondent as a Private Employee. But, they did not produce any Salary Certificate to show the Monthly Income of the Respondent. Similarly, no Documents of

Immovable Property of the Respondent are produced before the Court. Therefore, by considering the Petition Averments about the age of the Respondent as 40 Years on the date of filing of the Petition, the Respondent is taken as a Coolie and his Monthly Income is taken as ₹ 9,000/- Per Month. The 1/3rd of Monthly Notional Income of the Respondent at the rate of ₹ 3,000/- Per Month is deducted towards Personal Expenses of the Respondent. In the remaining Amount of ₹ 6,000/-, the Petitioners are entitled for ₹ 1,500/- each as Monthly Interim Maintenance from the date of this Order till disposal of the Petition. Therefore, ***the Point No.2 is answered Partly in the Affirmative.***

10. ***POINT NO.2:*** For the above discussion, I proceed to pass the following:

ORDER

The IA No.1 is allowed in Part.

Petitioner No.1 is entitled for Interim Maintenance of ₹ 1,500/- each Per Month from the date of this Order till further Orders.

Call on for evidence by 09.06.2026.

Sd/-

MADHUSUDHANA D K
Senior Civil Judge & JMFC
Hagaribommanahalli