

KAYG210006342024



**IN THE COURT OF THE SENIOR CIVIL JUDGE &  
JMFC., SHAHAPUR.**

Present: **Smt.Hema Pastapur**,B.A., LL.B.  
**Senior Civil Judge and JMFC,**  
**Shahapur.**

**Crl. Misc. Case No.178/2024**

**Dated this 01<sup>th</sup> day of April-2026**

**Petitioner:-** Smt. Hema W/o Yamanappa Pyati,  
Age: 34 years, Occ: Household, R/o  
Tarkaspeth, Tq: Chittapur,  
Dis:Kalaburgi. Now: Anabi village, Tq:  
Shahapur, Dist:Yadgir.

**(By Sri. A.S.D., Advocate)**

**V/s**

**Respondent:-** Yamanappa S/o Arjunappa Pyati,  
Age: 38 years, Occ: Driver and  
Agriculture, R/o Tarkaspeth, Tq:  
Chitapur, Dist: Kalaburgi.

**(By Sri.Y.R.T., Advocate)**

**ORDER**

That, the petitioner has submitted the claim  
petition under section 125 of the Code of Criminal  
Procedure, claiming the maintenance of Rs. 10,000/-  
per month from the respondent.

**Facts of the case are as under:-**

1. That, the petitioner is the legally wedded wife of the respondent and their marriage was solemnized at about 14 years back at Tarkaspeth village, as per the customs prevailing in their community and both of them have led their happy marital life for 12 years. That, after the said period of 12 years, the respondent had addicted to bad habits and uses to beat the petitioner under the influence of alcohol and also uses to harass her for bringing the dowry from her parents house and on one fine day drove out her from his house and since then the petitioner is residing in her parents house. That till today the respondent has not provided any basic amenities of life to the petitioner.
2. That, the respondent on 19.02.20224 had got contracted second marriage without the knowledge of the petitioner.
3. That, the respondent is owning the lands bearing Sy.No.210 measuring 02 acres at Chittapur Taluk and

Sy.No.128 measuring 06 acres 13 guntas at Sugur village, Chittapur taluk and getting the income of Rs. 8,00,000/- per annum and also doing the driving work and from which he is getting the income Rs.20,000/- per month. Hence, the respondent is having capacity to pay Rs.10,000/- per month as a maintenance to the petitioner. Hence, this petition.

4. That, on notice being served, the respondent has appeared before this Court through his learned counsel and submitted his objections to the claim petition, wherein he has admitted his relationship with the petitioner and denied the rest of petition averments.

5. That, the respondent has pleaded that the petitioner is aged about 29 years and she is doing a coolie work in Anabi village and getting the income of Rs.300- 400/- per day and he is not owning any land as alleged by the petitioner. That, the respondent has further averred that he is doing a coolie work and looking after his age old mother.

6. That, the respondent has pleaded that the petitioner herself has neglected him and on several times though, he tried to bring back her to his house but, all his efforts were went in vain. That, the respondent in view of his aforesaid contentions has prayed for dismissing the claim petition with costs.

7. That, I have heard the arguments and perused the materials placed on record. That, the following points arise of My consideration and determination:-

1. Whether the petitioner proves that, the respondent has neglected and refused to maintain her ?
2. Whether the petitioner further proves that, the respondent is capable to provide maintenance to her ?
3. Whether the petitioner further proves that, she is entitled for the maintenance as prayed for ?
4. What order?

8. That, the petitioner to demonstrate her aforesaid contentions has orally deposed herself as PW-1 and got marked the documents at Ex.P1 to 3. That, the petitioner probabalise her said contentions has got

examined her mother Smt. Ambamma W/o Nagappa as PW-2 and closed her side.

That, the respondent to substantiate his aforesaid contentions has orally deposed himself as RW1 and not adduced any documentary evidence on his behalf and closed his side.

9. That, My answer to the aforesaid points are as under:-

Point No.1 :- In the **AFFIRMATIVE**

Point No.2 :- In the **AFFIRMATIVE**

Point No.3:- **PARTLY** in the **AFFIRMATIVE**

Point No.4:- As per final order for the following :-

### **REASONS**

10. **Point No.1**: It is specific case of the petitioner that, she is the legally wedded wife of the respondent and their marriage was solemnized at about 14 years back at Tarkaspeth village, as per the customs prevailing in their community and they have led their happy marital life for 12 years and thereafter, the respondent had addicted to bad habits and uses to beat her under the influence of alcohol and also uses

to harass her physically and mentally for bringing the dowry from her parents house and drove out her from his house. It is further case of the petitioner that, the respondent without her knowledge on 19.02.2024 had contracted second marriage. That, the petitioner has further specifically averred that she is residing in her parents house at Anabi village and the respondent till today has not provided to her any basic amenities of life and neglected and refused to maintain her. That, the petitioner in her chief examination has re-iterated the said facts.

11. It is pertinent to note here that, the respondent in his objection statement has admitted his relationship with the petitioner but, denied having subjected any ill-treatment to the petitioner. That, the respondent in his objection has pleaded that the petitioner herself has neglected him. That, the respondent in his chief examination has deposed that the petitioner has got a illicit relationship with one Shri. Reddapp S/o Sabanna.

12. It is to be noted here that, the respondent in cross examination of the PW-1-petitioner has suggested that she has got illicit relationship with one Redappa S/o Sabanna. but, she denied the said suggestion. That, the respondent in cross examination of the PW-2 has also tried to elicit that the PW-1 has got a illicit relationship with the said Redappa but, all his efforts were went in vain. It is significant to note her that, the respondent in his objection statement nowhere has pleaded that the petitioner has got a illicit relationship with the said Reddappa. That, in absence of any specific pleading any evidence adduced on the same do not assume any importance.

13. It is significant to note here that, the respondent in his cross-examination dated: 19.02.2026 in page No.04 at 07<sup>th</sup> line at 13<sup>th</sup> line and in page No.05 in para No.02 at 01<sup>st</sup> line has deposed as under:-

07<sup>th</sup> line:-

ಪ್ರಸುತ್ತು ಪ್ರಕರಣವನ್ನು ಸಲ್ಲಿಸುವ 2 ವರೆ ವರ್ಷಗಳ  
ಮುಂಚಿತದಿಂದ ಅರ್ಜಿದಾರರು ತಮ್ಮ ತವರು ಮನೆಯಲ್ಲಿ ವಾಸ

ಮಾಡುತ್ತಿದ್ದರು ಎಂದರೆ ಸರಿ. ಸದರಿ 2 ವರೆ ವರ್ಷಗಳಲ್ಲಿ ನಾನು ಅರ್ಜಿದಾರರ ಉಪ ಜೀವನಕ್ಕೆ ಯಾವುದೇ ಹಣವನ್ನು ಕೊಟ್ಟಿರುವುದಿಲ್ಲ ಎಂದರೆ ಸರಿ.

**13<sup>th</sup> line:-**

ನಾನು ಅರ್ಜಿದಾರರಿಗೆ ಹೊಡೆ ಬಡೆ ಮಾಡಿದ್ದರಿಂದ ಹಾಗೂ ವರದಕ್ಷಿಣೆ ಕಿರುಕುಳ ಕೊಟ್ಟಿದ್ದರಿಂದ ಅರ್ಜಿದಾರರು ನನ್ನ ವಿರುದ್ಧ ದೂರನ್ನು ಸಲ್ಲಿಸಿದ್ದು ಅದರ ಪ್ರಕರಣ ಈ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಇತ್ಯರ್ಥಕ್ಕೆ ಬಾಕಿ ಇರುತ್ತದೆ ಎಂದರೆ ಸರಿ.

**Para No.2, 01<sup>st</sup> line:-**

ಶ್ರೀಮತಿ ಲಕ್ಷ್ಮೀ ಎನ್ನುವವರ ಪರಿಚಯ ನನಗೆ ಇರುವುದಿಲ್ಲ. ನಾನು ಸದರಿ ಲಕ್ಷ್ಮೀ ಇವರೊಂದಿಗೆ 2 ನೇ ಮದುವೆಯಾಗಿರುತ್ತೇನೆ ಎಂದರೆ ಸರಿಯಲ್ಲ. ಅಪರ ದಿವಾನಿ ನ್ಯಾಯಾಲಯ ಶಹಾಪೂರಿನಲ್ಲಿ ಅರ್ಜಿದಾರರು ನನ್ನ ವಿರುದ್ಧ ಒಂದು ಖಾಸಗಿ ದೂರನ್ನು ನಾನು 2 ನೇ ಮದುವೆಯಾರುತ್ತೇನೆ ಎಂದು ಹೇಳಿ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ ಎಂದರೆ ಸರಿ. ನಾನು ಸದರಿ ಪ್ರಕರಣದಲ್ಲಿ ಜಾಮೀನನ್ನು ಪಡೆದುಕೊಂಡಿರುತ್ತೇನೆ ಹಾಗೂ ಸದರಿ ಪ್ರಕರಣ ಇನ್ನು ಇತ್ಯರ್ಥಕ್ಕೆ ಬಾಕಿ ಇರುತ್ತದೆ ಎಂದರೆ ಸರಿ. ಸದರಿ ಪ್ರಕರಣ ಸಂಖ್ಯೆ CC 1199/2024 ಆಗಿರುತ್ತದೆ ಎಂದರೆ ಸರಿ. ಸಾಕ್ಷಿಗೆ ಈಗ ಒಂದು ಪೊಟೋವನ್ನು ತೋರಿಸಿ

ಅದರಲ್ಲಿ, ಕಾಣುತ್ತಿರುವರು ನೀವು ಹಾಗೂ ಸದರಿ ಲಕ್ಷ್ಮೀ  
ಆಗಿರುತ್ತೀರಾ ಎಂದು ಹೇಳಿದ್ದಕ್ಕೆ ಸಾಕ್ಷಿ ಹೌದು ಎಂದು  
ಹೇಳಿರುತ್ತಾರೆ. ಸದರಿ ದಾಖಲೆಯನ್ನು ನಿಪಿ-3 ಎಂದು  
ಗುರುತಿಸಲಾಯಿತು. ಸದರಿ ಲಕ್ಷ್ಮೀ ಇವರಿಂದ ಒಂದು ಮಗು  
ಇರುತ್ತದೆ ಎಂದರೆ ಸರಿ.

14. It is significant to note here that, from the said admissions of the respondent it clearly appears that as he had harassed the petitioner she had lodged the complaint against him and the matter is pending for adjudication in this Court. That, from the said admissions of the respondent it is clearly appears that he had got contracted second marriage with the said Laxmi and got one child from her. That, from the said admissions of the respondent it clearly appears prior to two and half years of filing of this petition, the petitioner is residing in her house and he has not provided any basic amenities of life to her. That, the said admissions of the respondent leads to arrive a conclusion that he harassed the petitioner physically and mentally and drove out her from his house and

has neglected to refused to maintain her. That, the petitioner has convincingly established that the respondent has neglected and refused to maintain her. Hence, without much discussion Point No.1 is answered in the **AFFIRMATIVE**.

15. **Points No.2 and 3:-** That, the petitioner has contended that the respondent is owning the lands bearing Sy.No.210 measuring 02 acres and Sy.No.128 measuring 06 acres 13 guntas at Chittapur taluk and getting the income of Rs.8,00,000/-per and also doing the driving work and from which he is getting the income of Rs.20,000/- per month and he is having the capacity to pay a sum of Rs.10,000/- per month as a maintenance to her. That, the petitioner has got marked the documents at Ex.P1 and 2. That, the Ex.P1 is the RTC pertaining to the land bearing Sy.No. 128 totally measuring 25 acres 28 guntas situated at Sugur (N) village, Chittapur Taluk, for the relevant year 2023-24, wherein the name of the cousin brother of the respondent Shri Mallinath S/o Devindrappa Pyati has

been shown to the extent of 13 acres 15 guntas as a owner and possessor. That, the Ex.P2 is the RTC pertaining to the land bearing Sy.No.210/2 totally measuring 06 acres situated at Tarkaspeth village, Chittapur taluk, for the relevant year 2023-24, wherein the name of the mother of respondent Smt. Siddama has been shown to the extent of 02 acres.

16. It is pertinent to note here that, the petitioner has not produced any document to show that the respondent is doing driving work and getting the income of Rs.20,000/- per month. That, the respondent has pleaded that she is doing coolie work and has got the responsibility of his age old mother. That, the respondent being the husband of the petitioner cannot absolve from providing the maintenance to the petitioner. That, looking into the circumstances, this Court opines that the petitioner is entitled to receive Rs.5,000/- per month as a maintenance from the respondent. Hence, without much discussion Point No.2 is answered in the

**AFFIRMATIVE** and point No.3 Partly in the **AFFIRMATIVE.**

17. **Point No.4:** That, as discussed on points No.1 to 3, I proceed to pass following :

**Order:**

That, the petition filed by the petitioner under Section 125 of the Code of Criminal Procedure, is partly allowed with cost of Rs.1,000/-.

That, the petitioner is entitled to receive from the respondent Rs.5,000/- per month from the date of petition till she is disentitled from claiming maintenance.

That, free copy of this order shall be supplied to the petitioner.

(Directly dictated to the stenographer, typed by him, corrected and then signed and pronounced by me in the open Court on this 01<sup>st</sup> day of April-2026)

(Hema Pastapur)  
Sr. Civil Judge and JMFC,  
Shahapur.

**ANNEXURE**

**List of witnesses examined on behalf of petitioners:-**

PW.1 : Smt Hema W/o Yamanappa Pyati.

PW.2 : Ambamma W/o Nagappa.

**List of documents marked on behalf of petitioner:-**

Exs.P1 and 2 : RTC's.

Ex.P3 : Photo

**List of witnesses examined on behalf of respondent:-**

RW-1 : Yamanappa S/o Arjunappa

**List of documents marked on behalf of respondent:-**

--Nil--

(Hema Pastapur)  
Sr. Civil Judge and JMFC,  
Shahapur.