

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

REV.PET FAMILY COURT NO.30 OF 2026

BETWEEN:

L. ANAND
S/O T. LINGARAJ,
AGED ABOUT 28 YEARS,
RESIDING AT NO.4-141/8,
ANAND HOUSE,
RAMANAGARA,
MARAKADA VILLAGE,
KAVOOR POST,
MANAGLORE-575-15

...PETITIONER

(BY SRI. KETHAN KUMAR.,ADVOCATE)

AND:

1. SMT. NIDHI S
AGED ABOUT 27 YEARS
W/O ANAND. L,
D/O VIVEKANANDA. G,
R/AT 3-294/2, NITHYANANDA ANUGRAHA,
PRIMARY HEALTH CENTER ROAD,
KOTEKAR POST, MANGALURU- 575 022.

2. KUM. AHAANA KRISHNA,
AGED ABOUT 1 YEAR 3 MONTHS,
(REPRESENTED BY HER MOTHER
AND NATURAL GUARDIAN),
SMT. NIDHI. S, R/AT 3-294/2,
NITHYANANDA ANUGRAHA,
PRIMARY HEALTH CENTER ROAD,
KOTEKAR POST, MANGALURU-575 022

...RESPONDENTS

(BY SRI.GANAPATHI BHAT, ADVOCATE FOR R1)



THIS RPFC IS FILED UNDER ORDER 19(4) OF FAMILY COURTS ACT., AGAINST THE ORDER DATED 25.09.2025 PASSED IN CRL.M.C. NO.74/2025 ON THE FILE OF PRINCIPAL JUDGE, FAMILY COURT, D.K., MANGALURU., ALLOWING THE PETITION FILED UNDER SEC.144 OF THE BHARATIYA NAGARIK SURAKSHA SANHITA 2023, FOR MAINTENANCE.

THIS REVISION PETITION FAMILY COURT HAVING BEEN HEARD AND RESERVED ON 07.04.2026 COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE DR. JUSTICE K.MANMADHA RAO

CAV ORDER

This petition is filed by the petitioner – husband being aggrieved by the order dated 25.09.2025 in Crl.M.C.No.74/2025 passed by the Court of Principal Judge, Family Court, D.K., Mangaluru (hereinafter referred to as 'Family Court') whereby, the Family Court has directed the petitioner – husband to pay maintenance of Rs.25,000/- per month.

The brief facts of the case are as follows:

2. The petitioner and the respondent No.1 are husband and wife, and their marriage was solemnized on 04.05.2023. Out of the wedlock, the respondent No.2 was born on 03.10.2024. The respondent No.1 filed a petition

under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'the BNSS') seeking maintenance of Rs.1,00,000/- per month alleging neglect and failure on the part of the petitioner to maintain her and the minor child.

3. After hearing the learned counsel appearing for the respondent No.1 – wife, the Family Court, by order dated 25.09.2025 has passed an ex-parte order directing the petitioner to pay maintenance of Rs.25,000/- per month to the respondents.

4. Learned counsel for the petitioner – husband contends that the Family Court has erred in granting maintenance to the respondent – wife by an ex-parte order without evaluating the materials on record and hence, the order is perverse and illegal and is liable to be set aside. He further contends that no proper service of notice was effected and the petitioner was wrongly placed ex-parte and without giving an opportunity to file objections or contest the matter, the Family Court has

passed the impugned order. He contends that the quantum of maintenance granted by the Family Court is excessive and disproportionate to the petitioner's income. Hence, there is violation of principles of natural justice, particularly *audi alteram partem*. Aggrieved by the impugned order, the petitioner has filed the present revision petition contending that the Family Court erred in appreciating the evidence. Hence, prays to allow the petition.

5. Learned counsel for the respondents submits that the petitioner has failed to provide for their maintenance and she was forced to leave the matrimonial house. Even since the marriage and even during her pregnancy, the respondent No.1 – wife has suffered mental cruelty at the hands of the petitioner and after delivery, the petitioner has not seen the face of the child. He has deliberately avoided and ignored the respondent No.1. Hence, respondents have sought for maintenance at the rate of Rs.1,00,000/- per month from the petitioner. Respondent No.1 contends that the petitioner owns three sweet shops

and his monthly income is more than Rs.4,00,000/- and he owns a house, Virtus Car worth Rs.23,00,000/- and Benz Car worth Rs.60,00,000/- and three commercial shops worth Rs.2 crores. She has produced 'B' Register extract of the vehicles issued by the Deputy Transport Commissioner and Senior Regional Transport Officer, Mangaluru. As per the said documents, the Skoda Car and Benz Car stands in the name of the petitioner. Learned counsel for the respondents contends that the respondent No.1 is not having sufficient means and she is unable to maintain herself and her minor daughter. Hence, she prays for dismissal of the petition.

6. Heard the learned counsel appearing for both the parties and perused the material on record.

7. The petitioner – husband did not appear before the Family Court in spite of service of notice and ex-parte order was passed. Therefore, the matter has to be remitted back subject to payment of cost of Rs.10,000/- payable by husband to the wife.

8. Upon perusal of the records and submissions, it is evident that the petitioner was placed ex-parte by the Family Court. The order sheet indicates that notice was allegedly served on the father of the petitioner. However, there is no clear material to establish valid and proper service in accordance with law. The Family Court proceeded to decide the matter solely based on the evidence of respondent No.1 without affording any opportunity to the petitioner to contest, cross-examine, or lead evidence. The Family Court is directed to provide an opportunity for the petitioner to produce documents, lead evidence and after considering the same, shall pass appropriate orders in accordance with law.

9. Accordingly, I proceed to pass the following:-

ORDER

- i. The Revision petition is ***allowed.***
- ii. The order dated 25.09.2025 passed by the Court of Principal Judge, Family Court, D.K., Mangaluru, in CrI.M.C.No.74/2025, is set aside.

- iii. The matter is remanded back to the Family Court to consider the same afresh and to pass orders.
- iv. Cost of Rs.10,000/- shall be paid by husband to the wife and file a memo along with proof before the Family Court.
- v. Parties shall not seek any adjournments and should co-operate with the Court in disposal of the matter time bound.
- vi. Both parties are directed to appear either in person or through their respective counsels before the Family Court within three months from the date of receipt of this order without further notice.
- vii. Family Court shall give opportunity to both the parties to lead their evidence and shall dispose of the matter as expeditiously as possible.

SD/-
(DR.K.MANMADHA RAO)
JUDGE

MH/-