



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

REV.PET FAMILY COURT NO. 90 OF 2021

BETWEEN:

SRI. MOHAMMED ALI

S/O ABDUL ALI,

AGED ABOUT 65 YEARS,

R/AT SAVAYIPALYA,

LEFT SIDE OF BY-PASS ROAD

SHIVAMOGGA CITY - 577201.



...PETITIONER

(BY SRI. RAVINDRANATH.K., ADVOCATE (VC))

AND:

SMT.HASEENA BANU

W/O MOHAMMED ALI



AGED ABOUT 50 YEARS

R/AT N.T.ROAD, NEAR MADINI MASJID

2ND CROSS, SHIVAMOGGA-577201.

...RESPONDENT

(BY SMT. ANKITHA PATIL, ADV. FOR
SRI. RAHAMATHULLA KOTHWAL, ADV.)

THIS RPFC IS FILED UNDER SECTION 19(4) OF THE
FAMILY COURTS ACT AGAINST THE ORDER DATED
23.04.2021 PASSED IN CRL.MISC.No.207/2015 ON THE
FILE OF THE PRINCIPAL JUDGE, FAMILY COURT,
SHIVAMOGGA, ALLOWING THE PETITION FILED UNDER
SECTION 125 OF Cr.P.C. FOR MAINTENANCE AND ETC.

THIS PETITION, COMING ON FOR ADMISSION, THIS
DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA



ORAL ORDER

Heard Sri.Ravindranath.K who appears through video conference and represents the petitioner. Also heard Ms.Ankitha Patil who appears physically before this Court and represents Sri.Rahamathulla Kothwal learned counsel on record for respondent.

2. Being aggrieved by the order passed by the Family Court, Shivamogga in Criminal Miscellaneous Case No. 207/2015 dated 23.04.2021, the respondent therein filed this revision petition.

3. Respondent herein filed a petition invoking Section 125 of Cr.P.C. claiming maintenance from the petitioner. Family Court through the impugned order directed the petitioner herein to pay respondent a sum of Rs.6,000/- per month towards maintenance. The plea of the petitioner is that he is not liable to maintain the respondent.



4. The version of the respondent is that her marriage with petitioner was celebrated in the year 1993 as per Islamic law and the lawful wedlock resulted in birth of a son and daughter. She is the second wife of the petitioner. From 1993 to 2008 they resided together. In the year 2008 petitioner deserted her, went to Udupi and started residing with his first wife. She waited with a hope that her husband will join her. But he did not turn up.

5. The plea of petitioner herein is that respondent is not his legally wedded wife. She contacted marriage with him when her marriage with a man by name Abdul Aleem Khan is subsisting. Hence his marriage with respondent is null and void. Further she is having properties and independent source of income whereas he is not having any source of earnings.

6. Family Court, subjecting the evidence of PW-1 to PW-3, RW-1 and RW-2, Exhibits P-1 to P-3 and Exhibits R-1 to R-3 came to a conclusion that liability vests upon



the petitioner herein to maintain the respondent. Thereby Family Court directed petitioner herein to pay respondent a sum of Rs.6,000/- per month towards maintenance.

7. Arguing the matter, learned counsel for the petitioner submits that respondent suppressing her earlier marriage married the petitioner and therefore the said marriage is in violation of Islamic law. Learned counsel states that respondent begot two sons through her first husband, one son and daughter through the petitioner herein. All the three sons are residing with the respondent and they are maintaining the respondent well. On the other hand petitioner has no source of earnings and he is being maintained by his brother. Thus, the Family Court ought not to have directed the petitioner to pay maintenance to respondent. Learned counsel thereby seeks to allow the revision of petition.

8. Contradicting the submission thus made, learned counsel for respondent submits that petitioner and



respondent lived together from 1993 to 2008 being husband and wife and begot two children. Thereafter petitioner deserted the respondent and started living with his first wife. Respondent has no source of earnings. There are none to maintain her. Therefore she approached the Court seeking maintenance. Learned counsel also states that nominal amount is given towards maintenance and indeed in the present day cost of living, Rs.6,000/- is not sufficient for any person to maintain himself or herself. Learned counsel thereby seeks to dismiss the revision petition.

9. There is no denial of the fact that petitioner and respondent lived together from 1993 to 2008, cohabitated and gave birth to two children.

10. Admittedly, no steps were taken by the petitioner to declare their marriage as null and void. Equally, petitioner failed to produce any proof to show that the children of the respondent are maintaining her.



11. At the same time, respondent also failed in her attempt to establish the occupation and the earnings of the petitioner. However, as rightly observed by the Family Court it is the duty of the petitioner to maintain the respondent. A sum of Rs.6,000/- fixed by the Family Court towards maintenance to be payable by the petitioner to the responded is not exorbitant. Therefore, this Court is of the view that there are no grounds to interfere with the findings given by the Family Court.

Resultantly, following:-

ORDER

The revision petition is dismissed.

**Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE**

VS
List No.: 1 Sl No.: 14