

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

REV.PET FAMILY COURT NO.124 OF 2024

C/W

REV.PET FAMILY COURT NO.219 OF 2025

IN RPFC No.124/2024

BETWEEN:

MR. RAVI KUMAR M.M.
S/O MADE GOWDA,
AGED ABOUT 30 YEARS
R/AT MAHADEVAPURA VILLAGE
BILEKERE HOBLI,
HUNSUR TALUK
MYSURU DISTRICT.

...PETITIONER

(BY SRI. MOHANACHANDRA P.,ADVOCATE)

AND:

SMT. SAHANA
AGED ABOUT 23 YEARS
W/O RAVI KUMAR M.M.
R/AT NO.18, RANGANATH NILAYA
GROUND FLOOR, 5TH CROSS
4TH MAIN ROAD,
NEAR KRISHNA APARTMENT,
BABA COLONY, J.P. NAGAR
7TH PHASE
BANGALORE- 560 078.

...RESPONDENT

(BY SRI. HARISH N.R.,ADVOCATE)



THIS RPFC IS FILED UNDER SEC.19(4) OF THE FAMILY COURTS ACT., AGAINST THE ORDER DATED 1.09.2023 PASSED IN CRL.MISC NO.758/2022 ON THE FILE OF III ADDITIONAL PRL. JUDGE, FAMILY COURT, BENGALURU., PARTLY ALLOWING THE PETITION FILED UNDER SEC.125 OF Cr.P.C., FOR MAINTENANCE.

IN RPFC NO. 219/2025

BETWEEN:

SMT. SAHANA
W/O RAVI KUMAR, M.M.
AGED 22 YEARS,
NOW RESIDING AT NO.S-2,
SECOND FLOOR,
NEAR KUSI APARTMENT,
V CROSS, PUTTENAHALLI,
J.P. NAGAR, 7TH PHASE,
BANGALORE-78.

...PETITIONER

(BY SRI. HARISH N.R.,ADVOCATE)

AND:

SRI. RAVI KUMAR. M. M.
S/O. MADE GOWDA
AGED ABOUT 30 YEARS,
R/O. MAHADEVAPURA VILLAGE
BILEKERE HOBLI,
HUNSUR TALUK-571 103.

...RESPONDENT

(BY SRI. MOHANACHANDRA P.,ADVOCATE)

THIS RPFC IS FILED UNDER SEC.19(4) OF FAMILY COURTS ACT., AGAINST THE ORDER DATED 1.09.2023 PASSED IN CRL. MISC NO.758/2022 ON THE FILE OF III ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, AT BENGALURU., PARTLY ALLOWING THE PETITION FILED UNDER SEC.125 OF Cr.P.C., FOR MAINTENANCE.

THESE REVISION PETITIONS FAMILY COURT HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 05.03.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

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

CAV ORDER

RPFC No.124/2024 is filed under Section 19(4) of the Family Court Act, by the respondent/husband praying to set aside the impugned order dated 01.09.2023 passed by the Court of the III Additional Principal Judge, Family Court at Bangalore in Crl.Misc.No.758/2022, partly allowing the petition filed by petitioner/wife under Section 125 of Cr.P.C.

RPFC No.219/2025 is filed under Section 19(4) of the Family Court Act, by the petitioner/wife praying to modify the order passed by the III Additional Principal Judge, Family Court at Bangalore in Crl.Misc.No.758/2022 and enhance the maintenance amount granted by the Family Court.

2. For the convenience of reference, the parties will be referred to as petitioner/wife and respondent/husband as per their ranking before the Family Court.

Brief facts of the case leading to the filing of these petitions are as under:

3. The marriage of petitioner/wife was solemnized with respondent/husband on 06.03.2022 at Shri.Prasanna Anjaneya Swamy Kalyana Mantapa, J.P.Nagar, Bangalore as per Hindu rites and both of them lived together in husband's house for a short period. They have no issues from the wedlock. From the very first day, husband and his family members were harassing and ill-treating petitioner/wife. Husband was cruel towards her and she was made to work like a slave and had to cook food for more than ten members from the very first day of their marriage. Her mobile phone was broken to prevent her from talking to her parents. Wife suffered severe infection in private parts and even though advised by doctor not to have physical contact with husband, husband forced her claiming that he had married to sleep with her in night and

do house-hold chores in the day time. It is alleged that unable to bear physical and mental cruelty, wife tried to commit suicide on 02.05.2022. It is stated that wife's parents are working in private firms. Husband is a lordlord having house, two sites and two acres of agricultural land in Hunsur Taluk and growing commercial crops like ginger and coconut and also having showroom in the name of M/s.Rain Growth Irrigation and Water Solution in Hunsur town. He is also having two shops and two big godowns. It is further stated that respondent/husband is having agricultural income of more than Rs.10,00,000/- per crop from ginger cultivation and having income of Rs.50,000/- once in two months from coconut garden. In all, husband is having income of more than Rs.2,50,000/- per month from the business, rental, agricultural and commercial crops.

4. It is averred that the parents of the respondent/husband suppressed that he is a habitual drunkard, very short tempered and cruel man. The family members of respondent/husband used to harass her by

demanding dowry in the form of silver articles, reputed branded wrist watch and gold ornaments. Further, they threatened to kill her if her parents fail to meet their demands. On 10.06.2022, wife's parents went to Hunsur and brought her to their house. It is alleged that wife is not working and the husband failed to pay for her maintenance to meet her basic needs. The respondent/husband also filed petition under Section 9 of the Hindu Marriage Act, before the Addl. Civil Judge (Sr.Dn.), Hunsur in M.C.No.39/2022 to harass her and her family members and to escape from paying maintenance.

5. In spite of service of notice, the respondent/husband did not appear and was placed exparte and case was posted for petitioner/wife's evidence. The petitioner got herself examined as PW.1 and got marked eight documents at Ex.P1 to Ex.P8 and closed her side of evidence. After hearing the counsel appearing for the petitioner and going through the documents produced, the Family Court allowed the petition filed by the petitioner/wife under Section 125 of Cr.P.C.,

and directed the respondent/husband to pay maintenance of Rs.10,000/- per month to the wife, from the date of filing of petition. Further, RPFC No.124/2024 was filed before this Court by the respondent/wife and maintenance amount was reduced from Rs.10,000/- to Rs.6,000/- per month payable on or before 10th of every month, but respondent/husband failed to pay any maintenance amount.

6. Learned counsel for the petitioner/wife in RPFC No.219/2025 contended that the respondent/husband used to harass her physically and mentally and unable to bear the torture she left the matrimonial home and was residing with her parents, who are not in good financial condition and working in private firms. The husband failed to pay maintenance amount of even Rs.6,000/- p.m., fixed as per the order passed by this Court in RPFC No.124/2024 while granting stay of the order of the Family Court. It is further contended that that the petitioner/wife has filed her affidavit by disclosing her assets and liabilities and it clearly shows that she has no independent

income. Relying upon the guidelines issued by the Hon'ble Supreme Court in ***Rajnish vs. Neha and another*** reported in ***(2021) 2 SCC 324***, it is contended that the Family Court failed to take into consideration the guidelines issued by the Supreme Court while fixing the quantum of compensation.

7. Learned counsel husband in RPFC No.124/2024 contended that the Family Court has grossly violated the procedure contemplated under Section 126(2) read with Section 274 Cr.P.C., at the time of recording evidence of PW.1. Therefore, evidence of PW.1 recorded by way of affidavit in lieu of chief-examination is illegal and there is no evidence in the eye of law. The Family Court has marked Ex.P3-photo without negative, which is not permissible according to Indian Evidence Act. It is further contended that the wife has suppressed the fact that she is hale and healthy and studied upto 2nd PUC and able to work and maintain herself. Further, her parents are also working in private firms. Therefore, husband prays to set aside the impugned order passed by the Family Court in

Crl.Misc.No.758/2022, partly allowing the petition and ordering to pay maintenance of Rs.10,000/- per month.

8. Heard the learned counsel for petitioner/husband as well as respondent/wife and perused the records.

9. The respondent did not appear before the Family Court in spite of receiving notice through RPAD and did not participate in the proceedings. It is observed by the Family Court that considering the present cost of living and the standard of living of husband, standard of living of both the parties has been decided by the Family Court and a sum of Rs.10,000/- has been awarded as monthly maintenance and partly allowed the petition. It has been proved and established before the Family Court that the respondent neglected and failed to maintain his wife. The evidence of the petitioner regarding the property owned by the respondent and his earnings remain undisputed. The petitioner has not produced any documents to prove the earnings of the respondent except photograph marked as Ex.P3. Chief-examination of PW.1 was recorded through affidavit in lieu of chief-examination. It has been

observed that an exparte order was passed by the Family Court without giving opportunity to husband to adduce his evidence and produce documents.

10. Under the circumstances, as the respondent was placed exparte before the Family Court and order has been passed in his absence, fair opportunity has to be given to both the parties to represent their case. Therefore, the matter has to be remitted back subject to payment of cost of Rs.20,000/- payable by husband to wife and the husband shall be permitted to file his statement of objections. Both the parties shall be permitted to file objections to the affidavits of assets and liabilities. It is directed that while fixing the quantum of maintenance, the guidelines issued by the Hon'ble Supreme Court in ***Rajnish vs. Neha and another*** reported in **(2021) 2 SCC 324**, shall be followed by the Family Court.

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

ORDER

- i. RPFC No.219/2025 filed by wife is ***dismissed*** with cost of Rs.20,000/- to be paid by husband to wife.
- ii. RPFC No.124/2024 filed by the husband is ***allowed.***
- iii. Cost of Rs.20,000/- shall be paid by husband to wife and file a memo along with proof before the Family Court.
- iv. The order dated 02.05.2023 passed by the Family Court, **Bangalore* in Crl. Misc. **No.758/2022*, is set aside.
- v. The matter is remanded back to the Family Court to consider the same afresh and to pass orders.
- vi. Parties shall not seek any adjournments and should co-operate with the Court in disposal of the matter time bound.
- vii. Both parties are directed to appear either in person or through their respective counsels

** Corrected vide Chamber Order Dt.10/04/2026.*

before the Family Court within three months from the date of receipt of this order without further notice.

- viii. Family Court shall give opportunity to both the parties to file objections to the affidavits of assets and liabilities respectively and shall dispose of the matter as expeditiously as possible.

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

BNV