



CNR: KAHC030109992023

NC: 2026:KHC-K:5922
RPFC No. 200129 of 2023

IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 30TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE K V ARAVIND

REV.PET FAMILY COURT NO. 200129 OF 2023

BETWEEN:

ABDUL HASAN S/O SHOUKAT BAGAWAN,
AGE: 40 YEARS, OCC: MOTOR MECHANIC,
R/O 18TH STREET, SHIVENERI NAGAR,
NEAR ARFAT MOSQUE KONDWA PUNE,
MAHARASHTRA STATE-111045.

...PETITIONER

(BY SRI. G. G. CHAGASHETTI, ADVOCATE)

AND:

1. SHAKEELA W/O ABDUL HASAN BAGAWAN,
AGE: 35 YEARS, OCC: HOUSEWIFE,
R/O NAUBAGH, VIJAYAPURA- 586101.

2. SUHANA
D/O ABDUL HASAN BAGAWAN,
AGE: 14 YEARS, OCC: STUDENT,
R/O NAUBAGH, VIJAYAPURA- 586101,
SINCE MINOR REPRESENTED BY HER M/G
NATURAL MOTHER RESPONDENT NO.1.

...RESPONDENTS

(BY SRI. S. S. MAMADAPUR, ADVOCATE FOR R1;
R2 MINOR REPRESENTED BY R1)





NC: 2026:KHC-K:5922
RPFC No. 200129 of 2023

CNR: KAHC030109992023

THIS RPFC IS FILED UNDER SECTION 19(4) OF THE FAMILY COURTS ACT, PRAYING TO ALLOW THIS REVISION PETITION BY SETTING ASIDE THE ORDER DATED 28.02.2023 PASSED BY THE I ADDL. PRL. JUDGE FAMILY COURT VIJAYAPUR IN CRL.MISC.NO.306/2017 AND DISMISS THE CRL.MISC.NO. 306/2017.

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

CORAM: HON'BLE MR. JUSTICE K V ARAVIND

ORAL ORDER

Heard Sri G.G. Chagashetti, learned counsel for the petitioner, and Sri S.S. Mamadapur, learned counsel for the respondents.

2. This petition is filed by the husband questioning the order of maintenance passed in Criminal Misc. No.306/2017 dated 28.02.2023 by the I Addl. Principal Judge, Family Court, Vijayapur (for short, "the Family Court").

2.1 The parties are referred to as they stand before the Family Court for the sake of convenience.

3. The petitioner No.1-wife and petitioner No.2-minor daughter filed a petition under Section 125 Cr.P.C. seeking maintenance from the respondent. The Family Court, considering that petitioner No.1 was not having any



CNR: KAHC030109992023

independent source of income, ordered maintenance of Rs.6,000/- to petitioner No.1-wife and Rs.4,000/- to petitioner No.2-minor daughter.

4. Sri G.G. Chagashetti, learned counsel appearing for the husband-petitioner herein submits that the petitioner has no source of income. He is dependent on the earnings of his second wife due to the disability suffered by him in an accident. It is submitted that, in the absence of proof of income, the Family Court committed an error in awarding maintenance.

5. Sri S.S. Mamadapur, learned counsel appearing for the respondents-herein wife and child, submits that the petitioner has a sufficient source of income to pay the maintenance. It is submitted that the maintenance awarded is very meagre and would not even meet the living expenses.

6. Considered the submissions made by the learned counsel for the parties.

7. To support the contentions of both the parties, there is no evidence on record. Neither of the parties have filed an affidavit of assets and liabilities. Though it is pleaded that the



CNR: KAHC030109992023

NC: 2026:KHC-K:5922
RPFC No. 200129 of 2023

petitioner suffered disability due to the injuries sustained in an accident, no evidence is forthcoming to substantiate the said contention. In the absence of any such evidence, the Family Court reasonably assessed the probable earning capacity of the petitioner and the expenses required for the livelihood of the wife and daughter, and accordingly awarded maintenance of Rs.6,000/- to the wife and Rs.4,000/- to the daughter.

8. Even if the husband was doing coolie work, he would have earned at least Rs.20,000/- per month and spent 50% of the same towards the maintenance and welfare of his wife and daughter. It is submitted that the husband has contracted a second marriage and has four children out of the said marriage. However, there is no evidence on record to substantiate the said submission. Even assuming that he has contracted a second marriage and has four children, the same would only demonstrate his irresponsible conduct in failing to maintain his first wife and daughter, whom he is legally bound to maintain. Contracting a second marriage and having four children therefrom cannot be an excuse to deprive the first wife and daughter of their right to maintenance. If the



NC: 2026:KHC-K:5922
RPFC No. 200129 of 2023

CNR: KAHC030109992023

husband has contracted a second marriage and has four children from the said marriage, it would prima facie indicate that he has the financial capacity to maintain such a large family.

9. In the light of the above observations, this Court does not find any infirmity or error in the order passed by the Family Court.

Accordingly, the present petition stands ***dismissed***.

Sd/-
(K V ARAVIND)
JUDGE