



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

REV.PET FAMILY COURT NO.200009 OF 2025

BETWEEN:

1. SMT. SHIVALEELA W/O BHIMAPPA
@ BHIMASHI DODDAMANI, AGE:26 YEARS,
OCC:HOUSEHOLD, R/O. BAGALKOT,
TQ. AND DIST. BAGALKOT.
NOW @R/O. EWS-67, JALANAGAR,
VIJAYAPURA, TQ. AND
DIST. VIJAYAPURA- 586 109.
2. KUMARI KHUSHI D/O BHIMAPPA
@ BHIMASHI DODDAMANI, AGE: 2 YEARS,
MINOR R/BY HER NATURAL MOTHER
PETITIONER NO.1 BY NAME SHIVALEELA
W/O BHIMAPPA @ BHIMASHI.

Digitally signed by
SOMANATH
PENTAPPA MITTE
Location: HIGH
COURT OF
KARNATAKA

...PETITIONERS

(BY SRI. B. BHIMASHANKAR AND SRI. PRADEEP KUMAR,
ADVOCATES)

AND:

SRI. BHIMAPPA @ BHIMASHI
S/O BASAPPA DODDAMANI, AGE:26 YEARS,
OCC: DRIVER AND AGRI, R/O. SUNNAL,
TQ. RAMADURGA, DIST. BELAGAVI- 591 123.

...RESPONDENT

(V/O DATED 26.04.2025,
NOTICE TO SOLE RESPONDENT IS HELD SUFFICIENT)



THIS RPFC IS FILED UNDER SECTION 19(4) OF THE FAMILY COURT ACT 1984, PRAYING TO I) CALL FOR THE RECORDS. II) ALLOW THIS REVISION PETITION BY MODIFY THE AWARD OF MAINTENANCE GRANTED VIDE ORDER DATED 20.09.2024, PASSED BY THE LEARNED I ADDL. PRINCIPAL JUDGE FAMILY COURT AT VIJAYAPUR IN CRL.MISC NO.92/2021 TO TUNE OF RS.10,000/- TO PETITIONER NO.1 AND RS.5,000/- TO THE PETITIONER NO.2 FROM THE DATED OF PETITION IN THE INTEREST OF JUSTICE. III) AWARD COST OF THE PROCEEDINGS AND ETC.

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

CORAM: HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

ORAL ORDER

In spite of service of notice, the respondent has not chosen to appear and contest the present petition.

2. Heard the learned counsel for the petitioner.
Perused the relevant materials on record.



3. This petition is filed by the petitioner seeking for enhancement of maintenance amount granted by the Prl. Judge, Family Court, Vijayapur as per the judgment and order dated 20.09.2024 in CrI.Misc.No.92/2021, wherein the respondent is directed to pay maintenance of Rs.4,000/- to the petitioner No.1 and Rs.1,000/- to the petitioner No.2 from the date of petition.

4. It is undisputed fact that the petitioner No.1 is wife and the petitioner No.2 is minor daughter of the respondent. As per the contention of the petitioners, the respondent was earning Rs.10,00,000/- per year and he is running Auto-rickshaw and earning Rs.20,000/- per month. But there is no document produced by the petitioners to prove that the respondent earning any income by running Auto-rickshaw.

5. However, the respondent has not chosen to appear and contest the present petition. Hence, it is



undisputed fact that the respondent is having income from agricultural. Moreover, the petitioners produced RTC extract of the concerned property as per Ex.P6. At this stage, it is relevant to note that the respondent appeared before the Family Court and filed objections to the petition. He adduced his evidence by examining himself as RW1. He also examined his father as RW2. The reasoning of the Family Court in the impugned order would show that the case of respondent before the Family Court is that he filed petition for restitution of conjugal rights before the Family Court in MC No.54/2021.

6. However, as held by the Family Court in the impugned order, the said petition was filed subsequent to filing of the petition by the petitioners for maintenance. Moreover, the documents produced by the respondent before the Family Court are regarding the complaint and charge sheet in the concerned criminal



case filed by the petitioner No.1 against him alleging harassment. Hence, mere fact that the respondent filed petition for restitution of conjugal rights cannot be a ground to come to the conclusion that the petitioner No.1 herself deserted matrimonial home. There is no material forthcoming from the respondent before the Family Court to show that he tried to join the petitioners and thereby maintain them, except filing petition for restitution of conjugal rights.

7. The respondent has not disputed in his evidence before the Trial Court that he is having any income from agriculture. Further, there is no evidence from the respondent to show that he is unable to maintain the petitioners. It is also not the case of respondent before the Family Court that the petitioner No.1 is having any independent income to maintain herself and also her minor daughter, the petitioner No.2.



8. It is obligation on the part of the respondent to maintain his wife and minor daughter, who are petitioners herein and also before the Family Court. The maintenance amount granted by the Family Court is Rs.4,000/- and Rs.1,000/- per month respectively in favour of petitioners No.1 and 2. Prima-facie it is clear that the said maintenance amount is on lower side. Hence, in the circumstances, the monthly maintenance payable to the petitioner No.1 should be enhanced to Rs.10,000/- and payable to the petitioner No.2 should be enhanced to Rs.5,000/-. From the discussion made herein above, it would be clear that this petition deserves to be allowed in part accordingly.

9. In the result, I proceed to pass the following:

ORDER

This petition is filed by the petitioners
is allowed in part.



Consequently, the maintenance amounts awarded by the Family Court at Rs.4,000/- and Rs.1,000/- payable to the petitioners No1 and 2 respectively are enhanced to Rs.10,000/- and Rs.5,000/- respectively.

The respondent shall pay the said maintenance amount from the date of petition without fail.

Sd/-
(TYAGARAJA N. INAVALLY)
JUDGE

SMP
List No.: 1 Sl No.: 37
CT: SB