

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 27<sup>TH</sup> DAY OF MARCH, 2026**

**BEFORE**

**THE HON'BLE DR. JUSTICE K.MANMADHA RAO**

**REV.PET FAMILY COURT NO. 324 OF 2025**

**BETWEEN:**

JAGADEESH  
S/O LATE KENCHAVEERAPPA  
AGED ABOUT 55 YEARS,  
R/O HARALLI KATTE VILLAGE  
BHARMASAGAR HOBLI  
CHITRADURGA TALUK AND  
DISTRICT- 577 001.

...PETITIONER

(BY SRI. A.K. SRIHARSHA.,ADVOCATE)

**AND:**

SMT. SHOBHA  
W/O JAGADEESHA  
D/O B.K. MAHADEVAPPA  
AGED ABOUT 51 YEARS,  
R/O BELAVANURU VILLAGE  
DAVANAGERE TQ - DIST-577 002.

...RESPONDENT

(RESPONDENT – SERVED AND UNREPRESENTED)

THIS RPFC IS FILED UNDER SEC.19(4) OF THE FAMILY COURTS ACT., AGAINST THE ORDER DATED 02.05.2023 PASSED IN CRL.MISC NO.167/2022 ON THE FILE OF JUDGE, FAMILY COURT, DAVANAGERE, PARTLY ALLOWING THE PETITION FILED UNDER SEC. 125 OF Cr.P.C FOR MAINTENANCE.

THIS REVISION PETITION 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**

This petition is filed by the petitioner/husband being aggrieved by the order dated 02.05.2023 passed by the Family Court, Davangere in Crl.Misc.No.167/2022 filed under Section 125 of the Code of Criminal Procedure, whereby the Family Court directed the petitioner to pay monthly maintenance of Rs.6,000/- to the respondent/wife.

The brief facts of the case are as follows:

2. The marriage between the petitioner/husband and the respondent/wife was solemnized on 15.05.1995 in accordance with Hindu customs and rituals. No children were born out of the said wedlock. The respondent filed Crl.Misc.No.167/22, under Section 125 of Cr.P.C. before the Family Court, Davangere, seeking maintenance. It is alleged that at the time of marriage her parents had given a sum of Rs.60,000/- in cash towards marriage expenses and about 120 grams of gold to the petitioner. The

respondent further alleged that after about 23 years of marriage, disputes arose between the parties. According to wife, as no children were born out of the wedlock, the petitioner started harassing her both physically and mentally. It is further alleged that though she had undergone medical treatment, no positive results were achieved and thereafter the petitioner sent her back to her parental house. During the year 2018, when the respondent was residing at her parental house, the petitioner contracted second marriage with one Sushma, who is stated to be the daughter of his younger sister. The respondent further alleged that panchayaths were convened between the families, during which the petitioner and his family members abused her and attempted to assault her and her brothers. In spite of the advice of the panchayathdars, the petitioner refused to take back respondent/wife to the matrimonial home. Therefore, wife filed a petition before the Family Court, Davanagere in Crl.Misc.No.167/2022 for grant of maintenance.

3. Upon service of notice, the petitioner appeared before the Family Court through his counsel and filed his statement of objections. It is alleged that the wife had filed similar petition before JMFC 2<sup>nd</sup> Court, Chitradurga and she got dismissed the same. In order to prove her case, the respondent/wife examined herself as PW-1 and got marked documents at Ex.P1 to Ex.P6. On the other hand, the petitioner/husband examined himself as RW-1 and got marked documents at Ex.R1 to Ex.R6.

4. The learned counsel appearing for the petitioner submits that the Family Court, Davangere has failed to properly appreciate the material available on record and without proper application of mind has awarded maintenance of Rs.6,000/- per month to the respondent from the date of the petition. Further, it is submitted that the landed properties are not standing in the name of the petitioner and he has aged mother to maintain who is suffering from various diseases. Further, it is alleged that petitioner has never neglected to maintain the

respondent/wife, but she herself refused to join the petitioner.

5. Learned counsel for the respondent contended that the petitioner is an agriculturist owning agricultural lands and properties at his native place and that he is earning about Rs.15,00,000/- per annum from agriculture and about Rs.20,00,000/- per annum from other sources. It is alleged that with a malafide intention to deprive her of any share in the property, the petitioner intentionally drove her out of the matrimonial home.

6. The respondent further contended that due to the continuous physical and mental harassment caused by the petitioner, she suffered paralysis on 19.11.2021 and took treatment at SSIMS Hospital, Davanagere from 19.11.2021 to 23.11.2021. According to the respondent, despite being informed about her medical condition, the petitioner and his family members did not show any concern or provide any assistance. On these grounds, the respondent contended that the petitioner has failed and neglected to maintain her and has not made any

arrangements for her maintenance, thereby failing to discharge his duty as a husband.

7. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent and perused the material available on record.

8. The petitioner had produced the certified copy of the Agreement of Sale marked as Ex.R1, wherein the petitioner and his mother had agreed to sell 04 acres 34 guntas of land in R.S.No.11/2 of Haralakatte Village, Bharamasagara Hobli in favour of the respondent. However, under the said agreement, possession of the property was not delivered to the respondent and the reason for execution of the said agreement was not properly explained by the petitioner. It is further submitted that the Family Court also observed that the respondent had issued a legal notice as per Ex.R2 to the petitioner and his mother calling upon them to execute the sale deed in terms of the Agreement of Sale at Ex.R1. The documents further disclose that the respondent has filed O.S.No.78/2020 against the petitioner and his mother

seeking execution of the sale deed pursuant to the said agreement.

9. It is further observed that RW-1 admitted in his cross-examination that he and his mother own about 8 acres of land excluding the land already sold. He further admitted that he earns about Rs.10,00,000/- per annum from the arecanut garden and about Rs.4,00,000/- per annum from maize cultivation. From the documents at Ex.R1 and Ex.R4, it is evident that a civil suit is pending between the parties in respect of the land which is alleged to have been agreed to be sold by the petitioner and his mother in favour of the respondent.

10. On hearing the learned counsel for the parties and on perusal of the record, this Court is of considered opinion that a sum of Rs.6,000/- awarded towards monthly maintenance to wife is just and reasonable. There are no grounds to interfere with the order passed by the Family Court.

Accordingly the RPFC is ***dismissed.***

No order as to costs.

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

bnv