NC: 2025:KHC-D:4100
RPFC No. 100129 of 2024

IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 3RD DAY OF MARCH, 2025

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

REV.PET FAMILY COURT NO. 100129 OF 2024 (-)

BETWEEN:

SIDDALINGAYYA
S/O. SHEKHARAYYA HIREMATH,
AGE: 42 YEARS, OCC: BSF POLICE,
R/O. SHIRUR VILLAGE,
TALUKA/DISTRICT: BAGALKOT,
NOW RESIDING AT COMMANDANT NO.EAST-136,
B.N.P & T HE.KWA, 136, BATALIAN BSF,
RAMBAG CAMP, P.O. ADHIPUR,
POST: ADHIPUR, DIST: GANDHIDAM,
GUJARAT STATE, PIN CODE NO.370205.

…PETITIONER

(BY SRI. SRINIVAS B. NAIK, ADVOCATE APPEARED THROUGH VC)

AND:

1. SMT. NIRMALA
   W/O. SIDDALINGAYYA HIREMATH,
   AGE: 33 YEARS, OCC: HOUSEHOLD WORK,
   R/O. SHIRUR VILLAGE,
   TALUKA/DISTRICT: BAGALKOT-587120.

2. KUMAR DARSHAN
   S/O. SIDDALINGAYYA HIREMATH,
   AGE: 15 YEARS, OCC: STUDENT,
   SINCE MINOR, REPRESENTED BY HIS MOTHER I.E.,
   THE RESPONDENT NO.1.

…RESPONDENTS

(BY SRI. PRAKASH HOSAMANE, ADVOCATE)

THIS RIVISION PETITION IS FILED UNDER SEC.19(4) OF THE FAMILY COURTS ACT, 1984 TO ALLOW THIS REVISION PETITION BY SETTING ASIDE THE JUDGMENT AND ORDER DATED 20.01.2024 PASSED BY PRINCIPAL JUDGE, FAMILY COURT, BAGALKOT, IN CRIMINAL MISCELLANEOUS NO.234/2019 IN THE ENDS OF JUSTICE AND ETC.

MOHANKUMAR B SHELAR
Digitally signed by MOHANKUMAR B SHELAR
Location: HIGH COURT OF KARNATAKA DHARWAD BENCH

THIS PETITION, COMING ON FOR FURTHER ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: THE HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL ORDER

This petition is filed by the respondent in Crl.Misc.No.234 of 2019, challenging the order dated 20th January, 2024 passed by the Principal Judge, Family Court at Bagalkote, granting maintenance to the petitioners therein

2. For the sake of convenience, the parties in this petition are referred to their ranking and status before the Family Court.

3. It is the case of the petitioners that marriage between the petitioner No.1 with the respondent was solemnized on 22 March 2000 at Shirur village and in their wedlock petitioner No. 2 was born. It is stated in the petition that, respondent was working at BSF and further, respondent and his family members were ill treating the petitioner-wife and in this regard petitioner

left the matrimonial home and has filed Crl.Misc.No.224 of 2010 under the provisions of Domestic Violence Act and thereafter the respondent has filed petition seeking divorce, which came to be dismissed. It is pleaded in the petition that, the respondent-husband neglected the needs of the petitioners and as such, the petitioner-wife has filed Crl.Misc.No.234 of 2019, seeking maintenance from the respondent-husband.

4. After service of summons, respondent-husband appeared and filed detailed statement of objections denying the allegations made against him. It is the case of the respondent-husband that there are several disputes pending consideration before the competent court between the father of the petitioner No.1 and his father and also stated that petitioner-wife is adamant in character and not taking care of the respondent and in his family members, accordingly, sought for dismissal of the petition.

5. The Family Court, after considering the material on record, by its order dated 20th January, 2024 allowed the petition in part and ordered maintenance of Rs.12,000/- per month to the petitioner No.1 in addition to Rs.3,000/- which is awarded in Crl.Misc.No.224 of 2010 and Rs.10,000/- per month to the petitioner No.2 as maintenance and feeling aggrieved by the same the respondent-husband has filed this petition.

6. I have heard Sri. Srinivas B. Naik, learned counsel appearing for the petitioner and Sri. Prakash Hosamane, learned counsel for the respondents.

7. Sri. Srinivas .B Naik, learned counsel appearing for the petitioner submitted that Family Court without considering the material record, awarded maintenance, which runs contrary to the material on record. Petitioner has to take care of his family members and therefore, submitted that the maintenance awarded by Family Court is on the higher side and recently, the petitioner

has suffered paralysis on his right side of the body and going through financial crises. Accordingly, he sought for interference of this Court.

8. Per contra, Sri. Prakash Hosamne, learned counsel appearing for the respondents submitted that, net salary of the petitioner herein is Rs.64,922/- as per salary slip of June 2023 and accordingly, sought to justify the impugned order passed by the Family Court.

9. Having taken note of the submissions made by the learned counsel appearing for the parties and taking into consideration the fact that the relationship between the parties is not disputed. Further, the proceedings in Clr.Misc.No.224 of 2010 has been filed by the respondent-wife herein under the provisions of Domestic Violence Act against the petitioner-husband and therefore, it can be concluded that the parties are residing separately. It is also to be noted that MC No.56 of 2013 which was filed before the competent Court

came to be dismissed as per Ex.R3. Taking into consideration the gross salary of the petitioner herein, i.e. Rs.77,232/- per month, the award of maintenance by the Family Court is just and proper as the petitioner No.2 is aged about 11 years and has to pursue his education. Accordingly, the Revision Petition is ***dismissed***. Amount in deposit if any, shall be transmitted the Family Court for further action.

Sd/-
(E.S.INDIRESH)
JUDGE

SB
CT-MCK
List No.: 1 Sl No.: 20