



CNR: KAHC010337892024

NC: 2026:KHC:45979
RPFC No. 133 of 2024



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

REV.PET FAMILY COURT NO. 133 OF 2024

BETWEEN:

...PETITIONER

(BY SRI/SMT. MEGHANA MUDDURANGAPPA, ADVOCATE)

AND:



...RESPONDENT

(BY SRI. RUPESH KUMAR S.,ADVOCATE)

THIS RPFC FILED UNDER SEC.19(4) OF THE FAMILY
COURT ACT., AGAINST THE ORDER DATED 29.11.2023 PASSED



NC: 2026:KHC:45979
RPFC No. 133 of 2024

IN CRL. MISC. NO.390/2022 ON THE FILE OF II ADDITIONAL
PRL. FAMILY JUDGE, MYSUR, PARTLY ALLOWING THE PETITION
FILED UNDER SEC.125 OF CR.P.C., FOR MAINTENANCE.

THIS PETITION, COMING ON FOR PART-HEARD IN
HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL ORDER

Heard Ms.Megana Muddurangappa, learned counsel
for the petitioner as well as Sri.Rupesh Kumar.S, learned
counsel for the respondent.

2. This revision petition is the outcome of the
order that is rendered by the Court of II Additional
Principal Judge, Family Court, Mysuru in
Crl.Misc.No.390/2022 dated 29.11.2023.

3. Revision petitioner/wife, elder daughter by
name _____ and younger daughter by name _____
filed a petition against the respondent



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RPFC No. 133 of 2024

invoking Section 125 Cr.P.C seeking maintenance. The request of petitioner/wife and elder daughter for grant of maintenance was rejected. Respondent was directed to pay younger daughter a sum of Rs.8,000/- per month towards maintenance till her marriage or till she gets a suitable job. Family Court also directed respondent to bear entire educational expenses in respect of the younger daughter till she completes her education. Aggrieved by the order thus passed, wife file this revision petition.

4. Learned counsel for the petitioner submits that due to harassment of respondent, petitioner/wife was constrained to leave matrimonial home. Though sufficient evidence was produced to show that the circumstances at her matrimonial home drove petitioner to leave the same, without considering the evidence produced, Family Court held that petitioner is not entitled for any maintenance. Learned counsel states that petitioner/wife is entitled to be maintained by her husband i.e. the respondent herein and



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therefore, setting aside the impugned order, maintenance to the extent claimed by the petitioner may be granted.

5. The submission that is made by learned counsel for the respondent on the other hand is that marriage between petitioner and respondent was solemnized in the year 1995. They lived together without any disturbance till 2021 i.e., for more than 25 years. Respondent was attending each and every necessity of the petitioner and children. Respondent even took loan and purchased a house site in the name of his wife i.e., the petitioner herein. Petitioner left the matrimonial home in the year 2021 i.e., during COVID time to take care of her parents and sister who were suffering with COVID. She failed to return back despite repeated requests of respondent. When respondent went and asked petitioner to return back, she gave complaint to police. Thus, petitioner left the company of the respondent without reasonable cause and hence, she is not entitled for any maintenance. Learned counsel states that exhibiting the same view,



CNR: KAHC010337892024

Family Court rejected the claim of petitioner and thus the revision petition is liable to be dismissed.

6. Petitioner filed translated copy of the impugned order. The genuineness of the said translated copy is not disputed by learned counsel for the respondent. It is not in dispute that petitioner and respondent lived together for about 25 years. Respondent succeeded in establishing that he purchased a house site in the name of petitioner by obtaining loan. By the evidence produced, it is clear that the elder child of the parties is working at Bengaluru after completion of her education. It is not the version of petitioner that she has taken care of the educational expenses of petitioner No.2 or that any of her relatives supported her financially. There is no denial of the fact that respondent has taken care to impart proper education upon the elder daughter. It is also brought on record that respondent took admission for the younger daughter in Kendriya Vidyalaya, Mysuru. So far as the allegation of the petitioner that she was harassed and she was subjected to



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RPFC No. 133 of 2024

cruelty by respondent/husband, no substantive proof was produced to that effect before the Family Court. An observation was made by the Family Court at paragraph No.14 of the impugned order that as per the contents of Ex.R1 - Complaint, petitioner went to her maternal home to take care of her parents and sister as they contacted COVID and her father suffered with heart attack. Thus it cannot be held that due to the attitude of respondent, petitioner left matrimonial home and went to her maternal home. Also, undisputedly, as per the contents of Ex.R3 statement given by wife to police, her husband approached her parents house asking her to return to matrimonial home. Having considered all these aspects, Family Court came to a conclusion that petitioner refused to live with respondent without reasonable cause.

7. The primary object of Section 125 Cr.P.C corresponding to 144 BNSS is to do social justice, prevent exploitation, protect vulnerable and uphold human dignity. However, grant is not automatic. A wife is entitled to get



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RPFC No. 133 of 2024

an order of maintenance against her husband only if she meets required criteria prominent of which are:

- (i) That her husband neglected or refused to maintain her.
- (ii) That she is unable to maintain herself; and
- (iii) That her husband has got sufficient means to maintain her.

8. When wife fails to meet statutory requirements or her case attracts disqualifications, her claim is liable to be rejected. Leaving matrimonial home without justification and reasonable cause is certainly a disqualification to seek maintenance from husband.

9. In the case on hand, neither refusal nor neglect are found. Petitioner failed to establish that there exists reasonable cause due to which she withdrew from the society of the respondent. Having discussed all these facts, Family Court came to a conclusion that petitioner/wife is not entitled for any maintenance from her husband i.e. the respondent herein. This Court therefore, does not find any



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RPFC No. 133 of 2024

grounds to interfere with and to set aside the findings given. Hence, ultimately this Court holds that this revision petition lacks merits.

Resultantly, the revision petition is *dismissed*.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

NS
CT:TSM
List No.: 1 Sl No.: 9