



CNR: KAHC020092862025

NC: 2026:KHC-D:13375
RPFC No. 100065 of 2025

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 24TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

REV.PET FAMILY COURT NO. 100065 OF 2025

BETWEEN:

1.

2.



...PETITIONERS

(BY SRI. PRASHANT S. KADADEVAR, ADVOCATE(VC))



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AND:

...RESPONDENT

(BY SRI. AMRUTH V. JOIS, ADVOCATE (VC))

THIS RPFC FILED UNDER SECTION 19(4) OF THE FAMILY COURT ACT, 1984, PRAYING TO, CALL FOR LOWER COURT RECORDS AND SET ASIDE THE ORDER DATED 05.12.2024 PASSED IN CRL.MISC.NO.374/2021 PASSED BY THE LEARNED PRINCIPAL JUDGE, FAMILY COURT HUBBALLI IN RESPECT OF REJECTING CLAIM OF THE PETITIONER NO.1 AND MODIFY BY ENCHANDING THE MAINTENANCE AMOUNT AWARDED TO THE PETITIONER NO.2 AS PRAYED FOR IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA



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ORAL ORDER

Heard Sri.Kadadevar Prashant Shankarayya, learned counsel for petitioners as well as Sri.Amruth V. Jois, learned counsel for respondent. Both the learned counsel appears through video conference.

2. Challenge in this revision petition is the order that is rendered by the Court of Principal Judge, Family Court, Hubli, in Crl.Misc.No.374/2021 dated 05.12.2024.

3. The relationship between the parties to the proceedings is not in dispute. Thus, petitioner No.1 is the wife and petitioner No.2 is the son of respondent herein. Petitioners invoking Section 125 Cr.P.C. filed a petition seeking the Family Court to direct respondent to pay petitioner No.1 a sum of Rs.20,000/- and petitioner No.2 a sum of Rs.10,000/- per month towards their maintenance. The Court of Principal Judge, Family Court, Hubli, dealt with the case which came to be numbered as Crl.Misc.No.374/2021 and rendered orders on 05.12.2024



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directing respondent to pay petitioner No.2 a sum of Rs.5,000/- per month towards his maintenance. The claim of petitioner No.1/wife was rejected. Aggrieved by the same, this revision petition is filed.

4. Learned counsel for the petitioners submits that petitioner No.1 was harassed and she was subjected to cruelty by respondent. Therefore, petitioner No.1 started residing separately along with petitioner No.2. Petitioner No.1 has no source of livelihood. There is no observation by the Family Court even in the impugned order that petitioner No.1 can maintain herself. However, the claim of petitioner No.1 for maintenance stood dismissed only on the ground that the request of petitioner No.1 for permanent alimony was rejected by the Court in the proceedings that went on for dissolution of marriage. Learned counsel submits that making an observation that petitioner No.1 failed to produce any proof with regard to the earnings of respondent/husband, her claim for



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permanent alimony was rejected. But her request for dissolution of marriage was allowed. Family Court, in the petition filed by petitioners for grant of maintenance under Section 125 Cr.P.C., made an observation that the request of petitioner No.1 for permanent alimony was rejected and therefore she is not entitled for any maintenance. Such an observation is against the mandate of law. Learned counsel thereby seeks to award maintenance to the extent claimed by petitioner No.1.

5. Per contra, learned counsel for respondent submits that respondent works as Assistant Accountant in a private company. He receives Rs.29,000/- only per month towards salary. Respondent is under obligation to maintain his mother, father and brother. His brother is suffering from mental illness and therefore entire liability vests upon respondent to look after the welfare of his family. That apart, as per the order of the Family Court, respondent is paying a sum of Rs.5,000/- per month



towards the maintenance of son. Therefore, nothing will be left for respondent to pay as maintenance to petitioner No.1. Learned counsel for respondent also stated that petitioner No.1 is a M.A. graduate and that she can maintain herself. Learned counsel thereby seeks to dismiss the revision petition.

6. The Photostat copy of the order that is rendered by the Court of Principal Judge, Family Court, Hubballi, in M.C.379/2019 dated 12.04.2023, whose genuineness is not in dispute, reveals that petitioner No.1 herein filed said case under Sections 13(1)(a) and 13(1)(b) of Hindu Marriage Act, against respondent seeking dissolution of marriage. She also sought Rs.10,00,000/- towards permanent alimony. Family Court gave a clear finding that petitioner No.1/wife is entitled for dissolution of marriage. As earlier indicated she invoked the grounds of cruelty and desertion to get the relief of dissolution of marriage through a decree of divorce. Taking into consideration



those grounds, Family Court held that she is entitled for dissolution of marriage. So far as permanent alimony is concerned, as rightly contended by learned counsel for petitioners, her request for grant of permanent alimony of Rs.10,00,000/- was rejected only on the ground that Petitioner No.1 failed to prove the income of the respondent and that he is capable to pay Rs.10,00,000/- towards permanent alimony. No finding was given to the effect that petitioner No.1 is not entitled for any permanent alimony. Only because she has not proved the financial status of respondent/husband, permanent alimony was not granted to her.

7. In the proceedings initiated under Section 125 Cr.P.C., the Court of Principal Judge, Family Court, Hubballi, gave a finding that petitioner No.1 is not entitled for maintenance from respondent as her claim for Rs.10,00,000/- towards permanent alimony was rejected and that she has not challenged that order. It was also



observed that Petitioner No.1 whose educational qualification is M.A. may earn for her livelihood.

8. It is not the case of even respondent that petitioner No.1 is a working woman. Thus, only because she holds M.A. degree, maintenance cannot be denied to her. Also as earlier indicated, permanent alimony was not granted to petitioner No.1 only because she failed to establish the financial capability and status of the respondent/husband. Therefore, this Court is of the view that Family Court ought not to have rejected her claim for maintenance in the proceedings initiated by her under Section 125 Cr.P.C. Therefore, this Court is of the view that petitioner No.1 is entitled to claim maintenance from respondent/husband.

9. So far as quantum is concerned, petitioners failed to produce any substantive proof with regard to the financial status of respondent. During the course of submission learned counsel for the respondent himself



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contended that respondent works as Assistant Accountant in a private Company and earns Rs.29,000/- per month. His contention is also that respondent has to maintain his father, mother and brother and that the brother of respondent is suffering from mental illness. No material whatsoever was produced before the Family Court to show the state of health of the brother of respondent. As respondent failed to establish that petitioner No.1 can eke out her livelihood through her own earnings, this Court is of the view that respondent is liable to maintain petitioner No.1. Though petitioner No.1 claimed Rs.20,000/- per month towards maintenance from the respondent, she failed to produce any substantive proof with regard to the financial status of respondent. As per the submission of learned counsel for respondent, respondent is working as Assistant Accountant in a private company and he earns Rs.29,000/- per month. Thus, taking into consideration the financial status of respondent and also the fact that through the impugned order, respondent was directed to



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pay petitioner No.2 a sum of Rs.5,000/- per month towards maintenance, this Court considers desirable to direct respondent to pay petitioner No.1 also a sum of Rs.5,000/- per month towards maintenance. The amount awarded towards maintenance of petitioner No.2 is justifiable and therefore no interference is required.

10. Therefore, the revision petition is disposed of with the following

ORDER

- i) The revision petition is allowed.
- ii) Respondent is directed to pay petitioner No.1 a sum of Rs.5,000/- per month towards her maintenance. Amount fixed shall be paid from the date of filing of Crl.Mis.No.374/2021 till the lifetime of petitioner No.1 or she becomes disentitled to receive maintenance.



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iii) All arrears shall be cleared within a period of five months.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

AP
CT:TSM
List No.: 19 Sl No.: 1