



NC: 2026:KHC-D:14375
RPFC No. 100123 of 2025

CNR: KAHC020152432025

IN THE HIGH COURT OF KARNATAKA AT DHARWAD
DATED THIS THE 1ST DAY OF SEPTEMBER 2026
BEFORE
THE HON'BLE MRS JUSTICE GEETHA K.B.

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REVISION PETITION FAMILY COURT NO.100123 OF 2025

BETWEEN:

...PETITIONER

(BY SRI.P.V.GUNJAL, ADVOCATE)

AND:

...RESPONDENT

(BY SRI.S.C.SUBBANNAVAR, ADVOCATE)

Digitally
signed by
SAROJA
HANGARAKI
Location:
HIGH COURT
OF
KARNATAKA
DHARWAD
BENCH

THIS RPFC IS FILED UNDER SECTION 19(4) OF THE FAMILY COURT ACT, 1984, PRAYING TO CALL FOR RECORDS IN CRL.MISC.NO.386/2021 FROM THE I ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, BELAGAVI; SET ASIDE THE ORDER DATED 22.04.2025 PASSED IN CRL.MISC.NO.386/2021 BY THE I ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, BELAGAVI, REJECTING MAINTENANCE AS CLAIMED THEREIN; AWARD SUCH MAINTENANCE AS MAY BE CONSIDERED PROPER, TO THE REV. PETITIONER HEREIN AND DIRECT THE RESPONDENT TO PAY THE SAME FROM THE DATE OF THE FILING OF CRL.MISC.NO.386/2021 AND ETC.



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

CORAM: HON'BLE MRS JUSTICE GEETHA K.B.

ORAL ORDER

This is the revision petition filed under Section 19(4) of the Family Courts Act, 1984 challenging the dismissal of maintenance petition filed by the wife under Section 125 of Cr.P.C. in CrI.Misc.No.386/2021 dated 22.04.2025 on the file of I Additional Principal Judge, Family Court, Belagavi (for short 'the Family Court').

2. Parties would be referred with their ranks as they were before the Family Court for sake of convenience and clarity.

3. The case of petitioner before the Family Court in nutshell is that after dissolution of the first marriage of respondent with one in M.C.No.176/2011 dated 31.03.2015, she came to know that respondent is searching for a bride; afterwards she met respondent who has told her and her parents that he



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had earlier married with one _____ and said marriage was dissolved by judgment and decree dated 31.03.2015 in M.C.No.176/2011 and after verifying the said judgment and decree, petitioner agreed to marry the respondent.

4. It is further contended in the petition that marriage of petitioner with respondent has taken place on 01.07.2018 as per the rites and customs prevailing in Hindu religion at Subhodhi Boudh Vihara Mangal Karyalaya, Nerli, Hukkeri Taluka, Belagavi District. She contended that after the marriage, she stayed with respondent for 8 days and mentioned other details in the petition. She contended that respondent treated her with cruelty. He was locking her inside the house and directed her not to open the windows; because of this cruelty, she came out from the house of respondent and then she has filed the present petition praying for maintenance because she is unable to maintain herself.



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5. After service of notice, respondent appeared through his counsel and filed his objection statement, wherein he denied the averments made in the petition in toto. He further stated that even though his earlier marriage with _____ was dissolved by decree of divorce dated 31.03.2015 in M.C.No.176/2011; the same was challenged before Division Bench of this Court in MFA No.101347/2015 and it is pending for further adjudication. Thus, the marriage between respondent and said _____ is still subsisting and thus there is no question of him marrying the petitioner during subsistence of said marriage. He further stated that petitioner has filed one more petition under The Protection of Women from Domestic Violence Act, 2005 in Crl.Misc.No.253/2021 which is pending before JMFC-IV, Belagavi. Further, petitioner has filed petition for dissolution of her marriage with respondent, which is pending in M.C.No.282/2022 before the Family Court, Belagavi. Respondent is suffering from Arthritis and



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Osteoporosis and cannot walk properly. Hence, prayed for dismissal of the petition.

6. After completion of pleadings, the petitioner let in her evidence and produced 19 documents.

7. Respondent has not let in any evidence, but only cross-examined the petitioner.

8. After hearing arguments, the Family Court dismissed the maintenance petition on the ground that the judgment and decree dissolving the marriage of respondent with one _____ is stayed in MFA No.101347/2015 and thus the marriage of respondent with said _____ is still subsisting and even then petitioner knowing fully well these facts has contented that she married him. Under these circumstances, she is not entitled for any maintenance.

9. Aggrieved by the same, the petitioner is before this Court.



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10. Heard arguments of both sides.

11. Learned counsel for revision petitioner, Sri P.V.Gunjal would submit that petitioner was not aware about stay order passed by Division Bench of this Court in MFA No.101347/2015. This fact was suppressed by the respondent and he married her. He has not let in any evidence. Even though petitioner is highly qualified, she is not doing any job and respondent has not allowed her to do her job when petitioner was living with him. Hence, petitioner is entitled for maintenance.

12. In this regard, learned counsel for revision petitioner places reliance on the judgment of Hon'ble Apex Court in ***Badshah vs. Urmila Badshah Godse and Another*** reported in ***(2014) 1 SCC 188***. and also the judgment of High Court of Judicature at Allahabad ***Smt.Monika Alias Satyawati vs. State of UP and Another*** in **Criminal Revision No.196/2024**. Hence, prayed for allowing the revision petition.



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13. Learned counsel-Sri S.C.Subbannavar appearing for respondent-husband would submit that petitioner knowing fully well that the marriage of respondent with _____ is subsisting, insisted the respondent to marry her and concocted the photographs and produced before the Family court. However, no such marriage has taken place between respondent and petitioner and considering these aspects, the Family Court rightly dismissed the petition. Hence, prayed for dismissal of revision petition.

14. Having heard arguments of both sides, verifying the revision petition papers and the Family Court records, the points that arise for consideration are:

"1. *Whether the revision petitioner establishes that she is the wife of respondent?*

2. *Whether the revision petitioner establishes that suppressing the factum of stay order passed*



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in MFA No.101347/2015, respondent married her?"

15. Finding of this Court on above points is in **NEGATIVE** for the following:

REASONS

16. The revision petitioner has taken contention that her marriage with respondent was taken place on 01.07.2018 at Subhodhi Boudh Vihara Mangal Karyalaya, Nerli, Hukkeri Taluka, Belagavi District as per their rites and customs prevailing in Hindu religion.

17. The strict proof of marriage is not required to decide the petition under Section 125 of Cr.P.C. However, petitioner herself contended that her marriage with respondent has taken place as per Hindu rites and customs.

18. In this regard, in the cross-examination, she has categorically deposed that no Saptapadi ritual has



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taken place; no sacred fire was lit in her marriage with respondent. But according to her, it was performed as per Bauddha religion and in this regard she has produced certain photographs with CD and Certificate under Section 65-B of the Evidence Act.

19. In this Certificate, the petitioner has not stated that who has taken these photographs from her Redmi mobile. Anyway, respondent seriously disputed these photographs in his objection statement and also at the time of cross-examination of petitioner before the Family Court.

20. Not only this point, another point urged by the respondent is that his marriage with one Madhushri @ Savitri was dissolved by decree of divorce in M.C.No.176/2011 as per judgment and decree dated 31.03.2015, but it was stayed by the Division Bench of this Court in MFA No.101347/2015. In this regard, petitioner in her cross-examination has deposed that



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before her marriage with respondent, she has examined the document pertaining to divorce of respondent and only after she came to know that he is a divorcee, she voluntarily married him. She has deposed that she does not know that in MFA No.101347/2015, stay order is passed in respect of said judgment and decree of divorce. She admitted that because of said stay order; still the marriage of respondent subsists with .

Further, she knows that the said proceeding is pending before the Division Bench of this Court. The petitioner is Ph.D. holder in Kannada Philosophy. Thus, she is not an illiterate person to say that she does not know anything about these aspects. She was working as Lecturer in Hukkeri College for one year in the year 2015. Thus, she is worldly wise.

21. When once it is brought to the knowledge of petitioner that respondent is a divorcee, the diligent person will make efforts to verify the genuineness of said



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factum; whether any appeal against the said order is filed, pending or not.

22. Furthermore, even after respondent has taken contention that MFA No.101347/2015 is pending, petitioner has not made any efforts to plead that by suppressing pendency of said appeal or by suppressing the stay order passed in said MFA, he married her. There is no such averment either in the petition or in her affidavit evidence; and she has not deposed so in her cross-examination. Under these circumstances, when the marriage of respondent with first wife is still subsisting, respondent is not supposed to marry the petitioner.

23. Furthermore, only if this factum of second marriage is suppressed and respondent married the petitioner; then she is entitled for maintenance. But that is not so in the present case.

24. Furthermore, the petitioner categorically deposed that she was working in the year 2015. It is not



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put forth by her that respondent made her to resign her job and married her. Under these circumstances, definitely petitioner is not entitled for any maintenance from respondent. Hence, considering these aspects, the Family Court dismissed the petition.

25. In **Badshah's** case cited supra, the Hon'ble Apex Court has held as follows:

"A. Criminal Procedure Code, 1973 - s. 125 - Maintenance under - claim of, by second wife - Maintainability - Second marriage performed as per Hindu rites, but during subsistence of first marriage of husband - Contention of husband that such second marriage being void under Hindu Marriage Act, 1955, second wife not entitled to maintenance as she was not his legally wedded wife - Concealment of fact of earlier marriage from second wife by husband - Effect of

- In view of the fact that husband had duped the second wife by not revealing to her the fact of his earlier marriage, held, husband cannot deny maintenance to her in such a case - He cannot be permitted to take advantage of his own wrong by raising the aforesaid contention - Giving purposive construction to provisions of S. 125 CrPC and applying mischief rule, held, at least for the purpose of maintenance under S. 125 CrPC, said



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woman would be treated as a legally wedded wife - Judgments of Supreme Court in Yamunabai, (1988) 1 SCC 530 and Savitaben, (2005) 3 SCC 636 supporting the contention of husband would apply only in those circumstances where a woman marries a man with full knowledge of subsistence of his first marriage - Family and Personal Laws – Hindu Law - Hindu Marriage Act, 1955, Ss. 5(i), 11 and 17”

26. In **Monika’s** case cited supra, the High Court of Judicature at Allahabad has held as follows:

“11. In the present case, the Family Court has recorded a finding of fact, based on appreciation of evidence, that the revisionist-wife had no knowledge of the subsisting marriage of the revisionist-husband and that the revisionist-husband had fraudulently concealed the said fact. No perversity or illegality in the said finding could be demonstrated before this Court. Consequently, the revisionist wife was rightly held entitled to claim maintenance under Section 125 Cr.P.C., notwithstanding the invalidity of the marriage under personal law.”

27. In both the aforesaid cases, the factum of first marriage was concealed fraudulently at the time of second



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marriage by the husband. However, that is not the situation in the present case, as discussed above.

28. As discussed earlier, there is no specific contention by the petitioner regarding suppression of facts either in the petition or in her affidavit evidence or in her cross-examination. Hence, this Court holds that interference on the order passed by the Family Court is not required.

29. Hence, this Court passes the following:

ORDER

Revision petition filed under Section 19(4) of the Family Courts Act, 1984 is **dismissed**.

Sd/-
(GEETHA K.B.)
JUDGE

SH/CT:VH
List No.: 2 Sl No.: 13