IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER , 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

REV.PET FAMILY COURT NO. 188 OF 2022

BETWEEN:

SMT. SUNANDA
W/O. RAGHU,
D/O LATE RACHAIAH,
AGED ABOUT 38 YEARS,
R/AT NO 70/2A 13TH CROSS
1ST MAIN, B. M. SHI NAGARA,
MYSURU - 570015

...PETITIONER

(BY SRI. AADISH, ADVOCATE FOR

SRI. SACHIN B. S., ADVOCATE)

AND:

SRI. RAGHU
S/O LATE BASAVAIAH
AGED ABOUT 54 YEARS,
R/AT NO 3880 3RD CROSS
1ST MAIN GANDHINAGARA
MYSURU - 570 007.

...RESPONDENT

(RESPONDENT -SERVICE HELD SUFFICIENT,

V/O. DATED 11.08.2023)

Digitally signed by AASEEFA PARVEEN
Location: HIGH COURT OF KARNATAKA

THIS RPFC FILED UNDER SECTION 19(4) OF FAMILY COURT ACT, AGAINST THE ORDER DATED 05.07.2022 PASSED IN CRL.MISC.NO.170/2020 ON THE FILE OF THE I ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, MYSURU, DISMISSING THE PETITION FILED UNDER SECTION 125 OF Cr.P.C FOR MAINTENANCE.

THIS PETITION, HAVING BEEN HEARD AND RESERVED FOR ORDERS ON ***08.10.2026***, COMING ON THIS DAY, PRONOUNCED THE FOLLOWING:

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CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

CAV ORDER

Challenge in this revision petition is the order that is rendered by the Court of I Additional Principal Judge, Family Court, Mysuru in Crl.Misc.No.170/2020 dated 05.07.2022.

2. Petitioner/wife invoking Section 125 Cr.P.C filed a petition which came to be numbered as Crl.Misc.No.170/2020 against respondent/husband seeking the Court to direct respondent/husband to pay her a sum of Rs.15,000/- per month towards her maintenance. The Court of I Additional Principal Judge, Family Court, Mysuru, subjecting the evidence of Pw.1, Rws.1 to 3, Exs. P1 to P14 and Exs.R1 to R34 to scrutiny, came to a conclusion that no positive direction can be issued to respondent/husband to pay maintenance to the petitioner/wife and thereby dismissed the petition. Aggrieved by the same, this revision petition is filed.

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3. Heard Sri.Aadish who represented Sri.Sachin.B.S, learned counsel on record for the petitioner.

4. Making his submission on the merits of the matter, learned counsel for the petitioner contended that the marriage of the petitioner with respondent was solemnized in the year 2001. After marriage, respondent started ill-treating the petitioner and subjected her to cruelty physically and mentally. Respondent developed extramarital relationship with another lady. The marriage between the petitioner and respondent was not consummated. The petitioner who could not bear the harassment of respondent, started residing separately. Respondent works as night Watchman and earns Rs.15,000/- per month. During daytime he runs a cycle shop and earns Rs.15,000/- per month. Thus, he earns Rs.30,000/- per month in total. Further respondent is having a house at Hunsur. On the other hand petitioner has no source of earning and thus, it is the liability of the respondent to maintain the petitioner. Family Court

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rejected the claim of the petitioner only on the ground that she is financially well-off. However, petitioner has no source of earnings. Therefore, allowing the revision petition, setting aside the impugned order, the amount sought for towards maintenance may be granted.

5. With a submission that a husband is liable to maintain his wife who is unable to maintain herself learned counsel placed reliance upon the decisions of the Hon'ble Apex Court reported in (2008) 2 Supreme Court Cases 316 between Chaturbhuj and Sita Bai, the decision in Criminal Appeal No.1693/2022 between Anju Garg and Another and Deepak Kumar Garg, the decision of this Court in Revision Petition Family Court No.96/2021 between Sri.N.H.Raghavendra Swamy and Smt.N.R.Pavithra, the decision of this Court in Criminal Petition No.3011/2023 between Sri.Harish.R and Smt.Sowmya and Another, the decision of this Court in RPFC No.136/2013 between Mr.T.Ramesh and Mrs.Ranjana and Another and also the decision of the High Court of Allahabad reported in 2022

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SCC Online ALL 303 between Krishna Devi and State of U.P and Another.

6. The version of the petitioner/wife is that she has no independent source of income to maintain herself and on the other hand her husband i.e. respondent herein by working as night Watchman earns Rs.15,000/- per month and by running a cycle shop earns Rs.15,000/- per month.

7. The respondent/husband took the plea that petitioner filed a petition seeking decree of divorce and that petition came to be allowed, but her prayer to grant permanent alimony was rejected. He also took the plea that he never subjected the petitioner to cruelty and that she is not entitled for any maintenance. In the pleadings filed, petitioner did not state in clear terms her period of stay with the respondent. The petitioner got examined herself as Pw.1 and during the course of cross examination she stated that the married life lasted only for 3 years and thereafter there was no contact between her and the respondent.

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8. Ex.R1-certified copy of Sale Deed dated 12.06.2019, Ex.R2-certified copy of Sale Deed dated 11.09.2012 and Ex.R6-certified copy of Sale Deed are very relevant to decide the matter on merits. Rw.2-Siddaraju and Rw.3-Saddalingamurthy who are none other than the brothers of petitioner/wife deposed before the Court that the respondent sold his ancestral property which is located at Hunsur through a registered deed of sale dated 11.09.2012 and out of the sale proceeds he purchased property situated at 10th cross, Shivayogi Swamy Temple Road, Gandhinagar, N.R.Mohalla, Mysuru in the name of petitioner/wife under a registered Sale Deed. They further stated that petitioner sold said property under registered Sale Deed dated 12.06.2019 for a sale consideration of Rs.17,00,000/- but the actual price is Rs.27,00,000/- and the entire amount of Rs.27,00,000/- was utilised by the petitioner herself. They also stated that after getting the sale amount of Rs.27,00,000/- petitioner absconded from Mysuru City. On that respondent/husband gave a missing complaint before the concerned police and the police

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traced out the petitioner. Petitioner who got examined as Pw.1 as earlier stated, during the course of cross examination admitted that the property as per Ex.R1 was sold for Rs.27,00,000/. Though she denied the suggestion that after the property was sold she was missing from marital home, she admitted that police called her for enquiry. Though learned counsel for the petitioner during the course of submission stated that brothers of the petitioner i.e. Rws.2 and 3 are not having good terms with the petitioner and therefore, they gave false evidence supporting the respondent, the fact that remains is that petitioner sold the property for Rs.27,00,000/-, obtained sale consideration, immediately thereafter she was found missing, respondent/husband gave complaint to police and in that regard she went to police station also.

9. When the pleadings of the petitioner are looked into petitioner made general averments that she was subjected to cruelty and harassment as we find in almost all cases which are filed claiming maintenance. This Court does not find any specific averment with regard to any

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instance or instances that went on between the petitioner and her husband and in what manner she was subjected to either cruelty or harassment. Also petitioner failed to establish that the respondent runs a cycle shop and earns. She even failed to establish her version that respondent is having extra marital affair.

10. Taking into consideration all these aspects Family Court came to a conclusion that respondent cannot be directed to pay maintenance to the petitioner. Petitioner failed to establish the aspect of neglect or refusal by the respondent to maintain her. She also failed to establish that the respondent stands in a better footing financially than that of her.

11. Therefore, this Court is of the view that there are no grounds to interfere with the observations made by the Family Court in the impugned order and the ultimate conclusion arrived at. Thus, this Court ultimately holds that the revision petition lacks merits.

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12. Resultantly, the following:

ORDER

The revision petition is *dismissed*.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

NS
CT:TSM

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