



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF OCTOBER, 2024

BEFORE

THE HON'BLE MR JUSTICE ASHOK S.KINAGI

REV.PET FAMILY COURT NO. 313 OF 2023

BETWEEN:

B C HANUMANTHARAJU

[REDACTED]

...PETITIONER

(BY SRI. SATHISH T V., ADVOCATE)

AND:

1. KAVYASHREE
D/O HANUMANTHARAJU,
AGED ABOUT 22 YEARS,

2. [REDACTED]

[REDACTED]

...RESPONDENTS

(BY SRI. RAMESH NAIK L., ADVOCATE)





THIS RPFC IS FILED UNDER SECTION 19(4) OF FAMILY COURT ACT, AGAINST THE ORDER DATED 07.03.2023 PASSED IN C.MIS.146/2022 ON THE FILE OF THE 1ST ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, TUMAKURU, PARTLY ALLOWING THE PETITION FILED UNDER SECTION 125 OF Cr.P.C FOR MAINTENANCE.

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

CORAM: HON'BLE MR JUSTICE ASHOK S.KINAGI

ORAL ORDER

This revision petition is filed under Section 19 of the Family Court Act, 1984, challenging the judgment passed in Crl.Misc.No.146/2022 dated 07.03.2023 by the learned I Additional Principal Judge, Family Court, Tumakuru.

2. Brief facts leading rise to the filing of this revision petition are as follows:

The respondents are the petitioner's daughters. Due to a misunderstanding with the respondents' mother, both the petitioner and respondents reside separately, and the mother of the respondents and petitioner obtained a decree for divorce in 2012. It is contended that they are



having difficulty with their livelihood. It is contended that the father is not taking care of the respondents and is also not paying maintenance. The respondents are unable to maintain themselves. Hence, the petitioners requested the respondent to provide maintenance. Despite the request made by the respondents, the petitioner did not pay the maintenance amount. The petitioner filed Crl.Misc.No.146/2022 under (Section 125 of Cr.P.C.) Section 144 of the Bhartiya Nagarik Suraksha Sanhita, 2023, claiming maintenance of Rs.40,000/- p.m. Respondent No.2 is a minor, represented by her next friend, i.e., sister - respondent No.1. The petitioners appeared through their counsel, but did not file written statement. Petitioner No.1 examined herself as PW.1 and marked 10 documents as Exs.P1 to 10. The respondent did not file objections. Evidence of the PW.1 was taken as nil. The Family Court, after recording the evidence of PW.1 and on the assessment of oral and documentary evidence, answered point No.1 in the affirmative. Point No.2 accordingly, point No.3 as per the final order. The



petition filed by the respondents was allowed in part, and the petitioner is ordered to pay maintenance of Rs.6,000/- p.m. to each respondent from the date of the petition till they get married. Further, the petitioner is directed to pay Rs.1,04,000/- to the respondents towards educational expenses incurred during the current academic year. Further, the petitioner has also been ordered to pay the respondents a sum of Rs.5,000/- towards litigation expenses. The petitioner, aggrieved by the judgment passed in Crl.Misc.No.146/2022, filed this revision petition.

3. Heard the learned counsel for the petitioner.

4. Learned counsel for the petitioner submits that the petitioner cannot pay the maintenance amount awarded by the Family Court. He submits that the Family Court has not provided sufficient opportunity for the petitioner to file a statement of objections and to lead evidence. He also submits that the respondents' mother and petitioner divorced in M.C.No.328/2013. Hence, he submits that the petitioner is not liable to pay



compensation as the respondents demand. Hence, on these grounds, he prays to allow the revision petition.

5. Perused the records and considered the submissions of the learned counsel for the parties.

6. It is not in dispute that the respondents are the daughters of the petitioner, and further, it is not in dispute that they are residing along with their mother. Further, the respondents have not provided any records demonstrating that the petitioner is paying the maintenance amount to the respondents. Respondent No.2 is a minor, and Respondent No.1 is a major. It is not the petitioner's case that respondent No.1 is an earning family member. The petitioner, being a father, is legally bound to maintain the daughters and provide an excellent education to his daughters. On the contrary, the petitioner has not offered any maintenance to the daughters, i.e., the respondents. The respondents have contended that the petitioner is running a Lorry Transport business in a Crusher and earning Rs.1 lakh p.m, and owns 1 acre of areca nut and



coconut garden land and earning Rs.8,000 p.m. The petitioners are college-going students. Considering the petitioner's income, the trial Court has rightly awarded Rs.6,000/- p.m. to each respondent from the date of petition till they get married and also education expenses. I do not find any error in the impugned judgment passed by the Family Court.

7. Accordingly, I proceed to pass the following:

ORDER

The revision petition is dismissed.

**Sd/-
(ASHOK S.KINAGI)
JUDGE**

SKS