SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Manju vs Smt Sumithra

Manju vs Smt Sumithra

SooperKanoon Citation : sooperkanoon.com/1907766

Court : Karnataka Orders

Decided On : Feb-05-2024

Judge : Hanchate Sanjeevkumar

Appeal No. : RPFC/57/2017

Appellant : MANJU

Respondent : Smt Sumithra

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF FEBRUARY, 2024 BEFORE THE HON'BLE MR JUSTICE HANCHATE SANJEEVKUMAR REV.PET FAMILY COURT NO. 57 OF 2017 BETWEEN: MANJU, AGED ABOUT 39 YEARS, S/O JAVARAIAH, R/AT NO.86, GAMANA HALLI, ARAKERE HOBLI, SRIRANGAPATNA TALUK MANDYA DISTRICT - 571 438. PETITIONER (SRI. MANJU - PETITIONER COURT NOTICE SERVED) AND:

1. SMT. SUMITHRA, AGED ABOUT 28 YEARS, Digitally signed by JAI W/O MANJU, JYOTHI J Location: HIGH COURT OF KARNATAKA 2. SHREKANTH M, AGED ABOUT 8 YEARS,

3. RAKESH M, AGED ABOUT 7 YEARS, RESPONDENTS NO.2 AND 3 ARE MINORS, REPRESENTED BY NATURAL GUARDIAN/MOTHER SMT. SUMITHRA, THE RESPONDENT NO.1. -2- RESPONDENTS NO. 1 TO 3 ARE R/AT NO.1534, 7TH CROSS, RAGHAVENDRA NAGARA, MYSURU - 570 011. RESPONDENTS (BY SRI. C.N. RAJU, ADVOCATE FOR R1; R2 AND R3 ARE MINORS REPRESENTED BY R1) THIS RPFC IS FILED UNDER SEC.19(4) OF THE FAMILY COURTS ACT., AGAINST THE ORDER DATED 09.11.2016 PASSED IN C. MISC NO.264/2015 ON THE FILE OF THE JUDGE, I ADDL. PRL. FAMILY COURT, MYSURU, PARTLY ALLOWING THE PETITION FILED UNDER SEC.125 OF Cr.P.C., FOR MAINTENANCE. THIS PETITION, COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

This revision petition is filed by the husband calling in question the order of maintenance granted in C.Mis.No.264/2015 dated 09.11.2016 passed by the I Additional Principal Family Court at Mysuru, seeking to reduce the quantum of maintenance granted by the Family Court. -3-

2. Inspite of service of Court notice to the petitioner - husband, he has remained absent. The case is considered on merits at the admission stage.

3. The relationship between the parties as husband,

wife and child is not disputed. On certain allegations, the respondents were constrained to live separately and thus, filed maintenance petition under Section 125 of Cr.P.C. and the Family Court has granted maintenance of Rs.5,000/- per month to the respondent No.1 - wife from the date of petition and Rs.2,500/- per month each to respondent Nos.2 and 3 - sons till they attain majority.

4. From the evidence on record i.e., Exs.P.1 and 2 -

photographs, the petitioner has married second wife and is not disputed by the petitioner - husband. This is the reason for the respondents to reside separately from the petitioner - husband. It is stated in the evidence of PW-1 i.e., respondent No.1 that the petitioner - husband is owning a provision store and 4 acres of land. Hence, the Family Court has considered that the petitioner - husband -4- is financially viable person and granted maintenance to the respondents as above stated. Therefore, considering all the facts and circumstances of the case, the Family Court is correct in granting the maintenance amount. The

petition is devoid of merits calling interference to the order

passed by the Family Court. Hence, petition is hereby dismissed for devoid of merits. Sd/- JUDGE MH/- List No.: 1 Sl No.: 7 CT: BHK

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com