



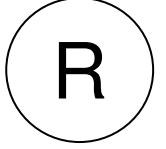
IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF JANUARY, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

REV.PET FAMILY COURT NO.57 OF 2025



BETWEEN:

MR. R. DADAPEER

S/O. LATE ABDUL RAHEEM SAB

AGED ABOUT 47 YEARS

PRIVATE SERVICE

R/AT JAVAGAL BABA ASHRAM

KHALANDAR NAGAR

JAVAGAL-573 125

HASSAN DISTRICT

...PETITIONER

(BY SRI KULKARNI MALHAR BALKRISHNA, ADVOCATE)

AND:

MRS. NASREEN BANU

W/O. R. DADAPEER

D/O. BABAJAN





AGED ABOUT 43 YEARS

HOUSE WIFE

R/AT NO.230

2ND MAIN ROAD

8TH CROSS

RAZA-UI MUSTHAFA NAGAR

DAVANAGERE-577 001

...RESPONDENT

(BY SRI G. V. NARASIMHA MURTHY, ADVOCATE)

THIS RPFC IS FILED UNDER SEC.19(4) OF THE FAMILY COURTS ACT., AGAINST THE ORDER DATED 19.11.2024 PASSED IN CRL. MISC NO.91/2023 ON THE FILE OF THE JUDGE, FAMILY COURT, DAVANAGERE, PARTLY ALLOWING THE PETITION FILED UNDER SEC.125 OF CR.P.C., FOR MAINTENANCE.

THIS PETITION IS COMING ON FOR PART HEARD IN ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA



ORAL ORDER

Heard Sri Malhar Kulkarni, who represents the petitioner as well as Sri G.V. Narasimha Murthy, learned counsel for the respondent.

2. Being aggrieved by the order that is passed by the Family Court, Davanagere, in Criminal Miscellaneous Case No.91/2023 dated 19.11.2024, the present revision petition is filed. The relationship between the parties is not in dispute. Thus the revision petitioner is the husband of the respondent.

3. For the sake of convenience of discussion parties to the proceedings will hereinafter be referred to as husband and wife.

4. Wife filed a petition against her husband seeking a direction to her husband to pay a sum of Rs.25,000/- per month as maintenance. Family Court, Davanagere through the impugned order directed the husband to pay his wife a sum of Rs.4,000/- per month



towards maintenance. Projecting that the sum thus granted is highly exorbitant, the present revision petition is filed.

5. Arguing the matter learned counsel who represents the husband submits that the marriage took place in the year 2000 as per Muslim customs and ceremonies. They gave birth to a child by name Muskan. They led marital life for considerable period. However due to the attitude of the wife, their marital relationship could not last longer. Since five years they are therefore residing separately.

6. Learned counsel submits that wife filed a petition seeking maintenance of Rs.25,000/- from the husband and the Court directed the husband to pay a sum of Rs.4,000/- per month towards maintenance. Learned counsel contends that the husband is earning not more than Rs.10,000/- per month and out of the said amount he has to look after his daughter Muskan and also his aged



parents. His daughter is pursuing her MCA course and therefore he is under obligation to pay the fee and to look after other requirements of that girl. Learned counsel submits that without looking at the financial status of the husband, Family Court directed him to pay huge sum to the wife towards maintenance which he is unable to pay and therefore the present revision petition is filed.

7. Per contra, learned counsel who represents the wife contends that even a sum of Rs.4,000/- that is granted by the Court is not sufficient for her to maintain herself. She has to pay the house rent and she is in requirement of huge sum for her sustenance which includes the expenses she need to incur for herself. Learned counsel submits that the husband has no difficulty to pay meager sum of Rs.4,000/- per month towards maintenance and indeed the sum granted by the Family Court is grossly low and therefore, the present revision petition is not maintainable.



8. There is no denial of the fact that the husband is working in Khalender Shahpeer Valiulla Arabic College Trust, Javagal as an employee. As per the contents of Ex.R8, whose genuineness is not in dispute, husband was paid Rs.3,000/- per month from 2010 to 2013, thereafter Rs.5,000/- per month from 2014 to 2018, later Rs.7,000/- per month from 2019 to 31.10.2021 and Rs.10,000/- per month from 01.11.2021 onwards. Thus, the said document makes it clear that the salary of the husband is Rs.10,000/- per month. No cogent and convincing material is produced by the wife to show that her husband has got any other source of income apart from an employee in the aforementioned Trust. Further, there is no denial of the fact that the girl born out of the lawful wedlock i.e. Muskan is under the custody of the husband and he is looking after her welfare including her educational expenses. Undoubtedly, in the present day living conditions and escalation of prices, a sum of Rs.4,000/- that is granted by the Family Court itself will not be



sufficient for the wife to maintain herself. However, the fact that has to be considered more than that is whether the husband has got such financial capability to pay such amount of Rs.4,000/- to the wife as maintenance. Out of the sum which the husband earns i.e. Rs.10,000/- he has to maintain himself, his parents and also his unmarried daughter. He has to incur the educational expenses of his daughter who is pursuing her MCA course. Therefore, it would be very difficult for the husband to pay a sum of Rs.4,000/- to his wife towards maintenance.

9. There is justification in the contention of learned counsel who represents the husband that, the husband is unable to pay a sum of Rs.4,000/- to his wife towards maintenance and equally there is justification on part of learned counsel who represents the wife that even a sum of Rs.4,000/- will not be sufficient for the wife to maintain herself.



10. Instances of woman taking up any occupation basing on her capacity, capability and choice and earning, though she lives with her husband, are numerous. From times immemorial, Indian society has seen wife helping her husband in his occupation whatever the kind it may be, either in attending agricultural works or business, so as to enhance the earnings of the family, for the family to sustain itself and have comfortable living. Likewise, there are innumerable instances where when the husband due to any physical or mental ailment is unable to run the family, the wife shouldering the responsibility though being an illiterate and maintaining the family. Thus, this Court is of the view that when the husband has got no such means to maintain and is overburdened, wife cannot claim that she is required to be maintained by the husband whatever be the circumstances in which he is placed. Here is a case where the husband has to look after his daughter, to provide good education to her and get her married and also to look after his parents. The Court



cannot direct the husband to relieve his shoulder from those responsibilities and to take up the task of maintaining his wife by providing maintenance to the extent she claimed.

11. The Court with an observation that as per the contents of Ex.R8 - Salary Certificate, for the year 2021 the husband was getting salary of Rs.21,000/- per month, directed him to pay a sum of Rs.4,000/- per month towards maintenance of his wife. Indeed, as per the contents of Ex.R8 - Salary Certificate, husband is earning Rs.10,000/- per month only and not Rs.21,000/- as observed by the Family Court at para 27 of the impugned order. Therefore, considering the constraints and responsibilities of the husband and his earnings, this Court is of the view that he can only be directed to pay a sum of Rs.2,500/- per month towards maintenance to his wife. Therefore, the revision petition is disposed of with the following



ORDER

- i) The revision petition is allowed in part.
- ii) The order that is rendered by the Family Court, Davanagere, in Criminal Miscellaneous Case No.91/2023 dated 19.11.2024 is modified.
- iii) Petitioner/husband is directed to pay respondent/wife a sum of Rs.2,500/- per month towards maintenance from the date of petition.
- iv) Amount if any in deposit be transmitted to the Family Court, Davanagere.
- v) In case any amount is found due, Family Court to disburse the amount in deposit to the respondent/wife.

Consequently, the proceedings in IA No.2/2025 stand closed.

**Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE**