NC: 2025:KHC-K:1811
RPFC No. 200104 of 2024

IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 21ST DAY OF MARCH, 2025

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

REV.PET FAMILY COURT NO. 200104 OF 2024 (-)

BETWEEN:

SMT. SHOBHA W/O IRANNA
D/O SHIVALINGAPPA,
AGED ABOUT 48 YEARS,
OCC: HOUSEHOLD,
R/AT: H.NO.1-537, DATT NAGAR SHAHABAZAR,
TQ: AND DSIT: KALABURAGI – 585 104.

…PETITIONER

(BY SRI JAYANANDAYYA AND SRI REVANA SIDDAPPA, ADVOCATES)

AND:

SRI IRANNA S/O SAIBANNA JAMADAR,
AGE: 52 YEARS,
OCC: DRIVER OF VEHICLE,
R/AT: GUNJ ROAD, NEAR YALLALING TEMPLE
SHIVAJI NAGAR, DIST: KALABURAGI – 585 105.

…RESPONDENT

(RESPONDENT SERVED)

Digitally signed by BASALINGAPPA SHIVARAJ DHUTTARGAON
Location: HIGH COURT OF KARNATAKA

THIS REVISION PETITION FAMILY COURT IS FILED UNDER SECTION 19(4) OF THE FAMILY COURTS ACT, PRAYING TO ALLOW THE PETITION AND SET ASIDE THE JUDGMENT AND ORDER DATED 10-10-2024 IN CRL. MISC NO.356/2023, PASSED BY THE ADDL. PRL. JUDGE FAMILY COURT AT KALABURAGI AND AWARD THE MONTHLY MAINTENANCE AMOUNT TO THE PETITIONER, IN THE INTEREST OF JUSTICE

THIS REVISION PETITION FAMILY COURT, COMING ON FOR FINAL HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL ORDER

(PER: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE)

Heard the learned counsel for the petitioner as well as the learned counsel appearing for the respondent.

2. The petition filed by the petitioner in Crl.Misc. No.356/2023 on the file of Addl. Principal Judge Family Court, Kalaburagi is rejected on the premise that the petitioner's marriage with the respondent is void.

3. Notice issued to the respondent, but he has remained absent.

4. Learned counsel for the petitioner would submit that in view of the law declared by the Apex Court in Civil Appeal No.2536/2019 in ***Sukdev Singh Vs. Sukhbir Kour***, the Apex Court has taken a view that even in the case of void marriages, the Court may award maintenance in appropriate cases.

5. In addition to that, it is also noticed that the Family Court has not gone into the quantum of maintenance payable,

and it took a view that the wife is not entitled to maintenance, as her marriage with the respondent – husband is void on the premise that the respondent – husband has already married.

6. Under these circumstances, the matter is remitted to the Family Court by setting aside the impugned order.

7. The Family Court shall consider whether the petitioner was misled by the respondent by suppressing the factum of an earlier marriage and whether the petitioner is entitled to maintenance in the light of law laid down by the Apex Court in the case of ***Sukdev Singh Vs. Sukhbir Kour***.

8. Hence the following:

ORDER

i) The petition is ***allowed.***

ii) The impugned order is set aside.

iii) The matter is remitted to the Family Court, Kalaburagi to consider the claim of the petitioner in light of the aforementioned Judgment.

iv) All contentions kept open.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

THM/List No.: 1 Sl No.: 41