NC: 2025:KHC-K:982
RPFC No. 200118 of 2023

IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 11TH DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MS JUSTICE J.M.KHAZI

REV.PET FAMILY COURT NO.200118 OF 2023

BETWEEN:

1. SMT. VARSHARANI
   W/O. MANJUNATH
   AGED ABOUT : 25 YEARS
   OCC: HOUSEHOLD
   R/O. H.NO.2-910/10/131, RAJAPUR ROAD,
   NEAR KIRTI VIDYA EDUCATION SOCIETY,
   PRASHANT NAGAR (B) KALABURAGI. – 585 106.

…PETITIONER

(BY SRI. AMARESHWAR S. RAWOOR &
SRI. GANESH NAIK ADVOCATES)

Digitally signed by SHIVALEELA DATTATRAYA UDAGI
Location: HIGH COURT OF KARNATAKA

AND:

1. MANJUNATH S/O RAMESH,
   AGED ABOUT : 32 YEARS
   OCC: JUNIOR ENGINEER
   R/O.#100, 3RD CROSS, NEW BAYAPPANAHALLI
   INDIRA NAGAR BENGALURU, NORTH BENGALURU
   NOW RESIDING AT SANGAMA NILAYA 8TH CROSS,
   5TH MAIN, S.S. PURAM TUMKUR – 572 102.

…RESPONDENT

(BY SRI. R M RAMAKRISHNA &
SRI. MILIND KUMAR S. KARANJE ,ADVOCATES)

THIS REVISION PETITION UNDER SECTION 19 (4) OF THE FAMILY COURTS ACT, 1984 PRAYING TO SET ASIDE THE ORDER DATED 15.09.2023 PASSED BY THE ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, KALABURAGI IN CRL.MISC 160/2021 AND FURTHER BE PLEASED TO AWARD MAINTENANCE TO PETITONER AS PRAYED FOR AND ISSUE ANY OTHER DIRECTION/S ORDER UNDER THE FACTS AND CIRCUMSTANCES OF THE CASE AS THIS HON'BLE COURT MAY DEEM IT FIT, IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MS JUSTICE J.M.KHAZI

ORAL ORDER

(PER: HON'BLE MS JUSTICE J.M.KHAZI)

Being aggrieved by dismissal of her petition filed U/s 125 of Code of Criminal Procedure, against respondent-husband seeking maintenance, petitioner-wife has filed this petition U/s 19(4) of Family Courts Act.

2. It is the case of the petitioner that she and respondent had a love marriage, which took place on 30.12.2019 at Telegaon Pune. They lived happily only

for 15 days in the house of respondent. Thereafter he started harassing and ill-treating her to get of Rs.5,00,000/-. It is alleged that respondent is addicted to consuming alcohol. In a drunken state he used to assault her. On transfer, respondent went to Bengaluru and his parents started harassing her to bring Rs.5,00,000/-. She went on tolerating with a fond hope of changing his behavior and ultimately on 10.09.2020 she was driven out of the matrimonial home. As the Deputy Manager respondent is drawing salary of Rs.80,000/-. Petitioner is unable to maintain herself and hence the petition.

3. Respondent appeared through counsel and filed objections admitting the relationship between the parties and that it was a love marriage. However, he has denied that there was any demand for dowry of Rs.5,00,000/- and that petitioner was the harass and ill-treated by him or his family members. He also denied that he is drawing salary of Rs.80,000/-. Respondent

has claimed that he has filed MC No.216/2021 for restitution of conjugal rights and only to harass him this petition is filed. He is drawing salary of Rs.50,000/- and has the responsibility of maintaining his aged parents, expenses for traveling from Bengaluru to Tumkur every day. Petitioner is working as an Assistant in the office of Charted Accountant and getting salary of Rs.30 to 40 thousand and sought for the dismissal of the petition.

4. A detailed enquiry was held wherein petitioner has examined herself as PW1 and got marked Ex.P1 to 4. Respondent has examined himself as RW1.

5. Vide the impugned order the trial Court has rejected the petition on the ground that petitioner has failed to prove that respondent has failed and neglected to maintain her.

6. Aggrieved by the same, petitioner is before this Court contending that the reason assigned by the trial Court for rejecting the petition are wrong and

erroneous. When the relationship between the parties is not in dispute, the trial Court has erred in emphasizing on pleadings. It has failed to appreciate the evidence placed on record. It has also not appreciated the fact that the provisions of Section 125 of Cr.P.C is beneficial legislation and strict rules of evidence are not applicable. The trial Court has also erred in rejecting the petition on the ground that the petition filed by respondent for restitution is allowed. Viewed from any angle the impugned order is not sustainable and hence the petition.

7. On the other hand, the learned counsel for the respondent supported the impugned order and sought for dismissal of the petition.

8. Heard the arguments and perused the records.

9. The relationship between the parties is not a dispute. The marriage between petitioner and

respondent was a love marriage. Petitioner has alleged that immediately after 15 days of their marriage, respondent started harassing and ill-treating her to get dowry of Rs.5,00,000/- and he was addicted to consuming alcohol and gambling and assaulting her in a drunken state. In order to establish this allegation, the petitioner has relied upon Ex.P3 and 4.

10. Ex.P3 includes the out patient records of GIMS Hospital, Gulbarga according to which she took treatment with history of fever since one week. On 07.07.2020 she has taken treatment with the alleged history of blunt injury by a ball on 05.07.2020. In Ex.P3 there is no allegation of assault. In out patient record dated 05.09.2020 of District Hospital, Tumkur, Karnataka, it is stated to be case of assault and details are noted in MLC register, admittedly no case is registered against the respondent based on the said information.

11. The cross examination of PW1 also reveal that after transfer of respondent to Tumkur they stayed in a rented house and her family members use to visit them. Though petitioner has denied that within 15 days of her leaving the matrimonial home, respondent came and requested to come back. She alleged that respondent quarreled with her and other members of the family, but admittedly no action is taken by her for all the atrocity meted by the respondent. On the other hand, she has admitted that it was the respondent who approached the Kalaburagi police to advise his wife to go with him.

12. Petitioner has also admitted that the respondent filed MC No.216/2021 for restitution of conjugal rights and in the said petition she has appeared and contested. She has also admitted that the said petition is allowed ordering restitution. Admittedly petitioner has not challenge the said order. After detailed appreciation of oral and documentary evidence placed on record, the trial Court has come to correct

conclusion that there is no neglect or refusal on the part of respondent to maintain the petitioner. On the other hand, she has left his company without any justifiable cause and refused to grant maintenance. This court finds that there are no justifiable grounds to interfere with the impugned order. In the result, the petition fails and accordingly the following:

ORDER

The petition filed by the petitioner U/s 19(4) of the Family Courts Act, is dismissed.

The impugned order dated 15.09.2023 in Crl.Misc.No.160/2021 on the file of Addl. Principal Judge, Family Court, Kalaburagi, is hereby confirmed.

Sd/-
(J.M.KHAZI)
JUDGE

SMP
List No.: 1 Sl No.: 50