

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF APRIL, 2026

R

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

REV.PET FAMILY COURT NO.139 OF 2021

BETWEEN:

1. SMT.T. MANGALAGOWRAMMA
W/O LATE T. MADIAH
D/O A.L THAMMAIAH
AGED ABOUT 56 YEARS
R/O AREYURU GRAMA
GUBBI TALUK
TUMKUR DISTRICT - 572 118.

WORKING AT:
HEAD MISTRESS
GOVERNMENT HIGHER PRIMARY SCHOOL,
HINDASKARE VILLAGE,
GUBBI TALUK
TUMKUR - 572 213.

2. M. DARSHINI
W/O NAGESH
AGED ABOUT 29 YEARS
RESIDING AT NO.10
7TH CROSS
ARANYA BHAVAN
ASHOK PURAM,
MYSORE 570 008.

WORKING PLACE:
SDA, MYSORE,
MUDA, JLB ROAD,
MYSORE- 570 008.

...PETITIONERS

(BY SMT.SUMAN HEGDE, ADVOCATE)



AND:

1. M DHANUSHREE
D/O LATE P.MADAIHAH
AGED ABOUT 26 YEARS

2. M. DHANUSH
D/O LATE P. MADAIHAH
AGED ABOUT 24 YEARS

BOTH ARE RESIDING AT NO.5108,
8TH A MAIN ROAD,
DATAGALI 3RD STAGE
KANAKADASANAGARA
MYSURU - 570 022.

...RESPONDENTS

(BY SMT. ARCHANA MURTHY.,ADVOCATE FOR R1 AND R2)

THIS RPFC IS FILED UNDER SECTION 19(4) OF THE FAMILY COURTS ACT AGAINST THE ORDER DATED 27.09.2021 PASSED IN C.MISC.No.556/2019 ON THE FILE OF THE II ADDITIONAL PRINCIPAL JUDGE, FAMILY JUDGE, MYSURU, PARTLY ALLOWING THE PETITION FILED UNDER SECTION 125 OF Cr.P.C. FOR MAINTENANCE.

THIS REVISION PETITION FAMILY COURT HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 16.03.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE DR. JUSTICE K.MANMADHA RAO

CAV ORDER

Being aggrieved by the order passed by the II Additional Principal Judge, Family Court, Mysuru, in Crl.Misc.No.556/2019 dated 27.09.2021, the respondents therein have filed this petition. By the impugned order, the Family Court has allowed the petition in-part filed under Section 125 of Cr.P.C. by the respondents and granted monthly maintenance and other monetary reliefs.

2. The brief facts of the case are that:-

The petitioner No.1 is the mother and the petitioner No.2 is the elder daughter and the respondents are the younger daughter and son of the petitioner No.1. The respondents had filed a petition seeking monthly maintenance of Rs.15,000/- each, claiming inability to maintain themselves. The father of the respondents (husband of the petitioner No.1) was working as SDA at Mysuru Urban Development Authority and died on 20.06.2013. After his death, the petitioner No.2 was given compassionate appointment. The case of the

respondents is that the petitioners neglected to maintain them despite having sufficient income and means.

3. Learned counsel for the petitioners contended that the respondents have attained the age of majority and they are well-educated and earning through part-time jobs. They are residing in the family property and deriving rental income. Hence, they are not entitled to maintenance under Section 125 of Cr.P.C. The Petitioners further allege that the respondents have been abusive, harassing and acting under the influence of others and filed the petition only to extract money.

4. The Family Court, however, directed that respondent No.1 is entitled for monthly maintenance of Rs.20,000/- until her marriage and Rs.10,00,000/- towards her marriage expenses from petitioner No.1 herein and monthly maintenance of Rs.7,000/- per month until her marriage and Rs.2,00,000/- towards her marriage expenses from the petitioner No.2. The respondent No.2 is entitled for Rs.5,00,000/- and

Rs.2,00,000/- from the petitioner Nos.1 and 2 respectively and further entitled for a sum of Rs.25,000/- each towards his academic education till completion of his education from the petitioners. The Family Court further directed the petitioners to pay a sum of Rs.2,500/- each to the respondents towards litigation expenses. Aggrieved by the same, the petitioners have approached this Court contending that the respondents, being major and capable of maintaining themselves are not entitled to maintenance. The impugned order is arbitrary, contrary to Section 125 of Cr.P.C. and based on conjectures without proper appreciation of evidence.

5. Learned counsel for the petitioners has relied upon the decision of the Hon'ble Supreme Court in ***Amrendra Kumar Paul v. Maya Paul and Others (2009) 8 SCC 359***, wherein it has been held as under:

"10... An application for grant of maintenance, therefore is maintainable, so far as the children are concerned, till they had not attained majority. As a cause of action for grant of maintenance would arise only in the event a person having sufficient means, neglects or refuses to maintain his legitimate or illegitimate minor child unable to maintain itself,

once, therefore, the children attained majority, the said provision would cease to apply to their cases.”

(emphasis supplied)

6. *Per contra*, learned counsel for the respondents contends that the petitioner No.2 and the respondents are siblings (brother and sisters) and after the death of their father, who was working under the Mysuru Urban Development Authority (MUDA), the petitioner No.2 obtained a job of her father under compassionate appointment. At that time, she gave an undertaking that she would take responsibility of the entire family, including the respondents. However, after securing the job and receiving benefits such as salary and family pension, the petitioner No.2 allegedly neglected the respondents. She got married, moved to Tumkur and failed to support their education and daily needs. The respondents, who were pursuing studies (ITI and M.Com), faced financial hardship as they had no independent income and depended on the deceased father's benefits. Despite repeated requests and even a formal representation to authorities (including MUDA and local bodies), no action was taken to ensure

that the respondents received financial support. It was also noted that the petitioner No.1, who is the mother of the respondents was earning and getting pension but still did not assist the respondents. Due to this neglect and failure to fulfill the undertaking given at the time of compassionate appointment, the respondents had approached the Family Court seeking monthly maintenance/financial support from the petitioners. Hence, they contend that the impugned order is correct and does not need any interference by this Court and prays for dismissal of the revision petition.

7. Heard learned counsel appearing for both the parties and perused the material on record.

8. On hearing the learned counsel for the parties and going through the material on record, this Court has observed that Petitioner No.2 is working as SDA in MUDA since death of her father. Petitioner No.2 has not disclosed her salary and has denied that she is getting salary of Rs.56,754/-. Further, she has given an

undertaking that she would take care of Respondents No.1 and 2, which she has failed to maintain. For non-disclosure of Petitioner No.2's income from her avocation and other assets and liability, adverse inference can be drawn against petitioner No.2 that she is having sufficient income. Admittedly, respondents No.1 and 2 have completed their education. Respondent No.2-son has completed his education and has attained the age of majority. Therefore, he is not entitled for any maintenance. Respondent No.1-daughter is unmarried. Therefore, Respondent No.1 is entitled for maintenance until she gets married and marriage expenses. Therefore, as observed by the Family Court, considering the financial status, increased cost of living and decrease in money value, maintenance of Rs.20,000/- awarded by the Family Court to Respondent No.1 is just and reasonable. Respondent No.1 is also entitled for marriage expenses. Further, as Respondent No.2-son has attained the age of majority, he is not entitled for any maintenance.

9. In the result, the following order is passed:

ORDER

i) The RPFC is **allowed in part.**

ii) The order dated 27th September 2021 passed nby the Family Court, Mysuru, in Crl.Misc.No.556/2019 is modified.

iii) Respondent No.1-daughter is entitled for monthly maintenance of Rs.20,000/- from the date of petition till the date of her marriage. Further, she is also entitled for marriage expenses to be determined at the time of her marriage.

iv) Respondent No.2 is not entitled for any maintenance or marriage expenses.

v) Litigation expenses of Rs.2,500/- to each to respondents 1 and 2 to be paid by petitioners as ordered by the Family Court is upheld.

**SD/-
(DR.K.MANMADHA RAO)
JUDGE**