

IN THE HIGH COURT OF KARNATAKA

CIRCUIT BENCH AT GULBARGA

Dated this the 17th day of April, 2013

Before

THE HON'BLE MR JUSTICE HULUVADI G RAMESH

R P F C 501 / 2013 c/w 542 / 2013

Between:

In R P F C 501/2013

Sri Khobbanna S/o Siddappa Patil
50 yrs, Lecturer, R/o BLDE College Hostel
Quarters # 1, Girish Nagar, Jamakhandi
Bagalkot District

Petitioner

(By Sri S S Mamadapur, Adv.)

And:

- 1 Smt Shailja W/o Khobbanna Patil
42 yrs
- 2 Kumar Abhishek S/o Khobbanna Patil
14 yrs, student – since minor repled. by
mother

Both are r/behind Siddeshwar Temple
S S Road, Bijapur

Respondents

(By Sri Ameet Kumar Deshpande, Adv.)

In RPFC 542/2013

- 1 Smt Shailja W/o Khobbanna Patil
44 yrs
- 2 Kumar Abhishek S/o Khobbanna Patil
16 yrs, student – since minor repled. by
mother

Both are r/behind Siddeshwar Temple
S S Road, Bijapur

Petitioners

(By Sri Ameet Kumar Deshpande, Adv.)

And

Sri Khobbanna S/o Siddappa Patil
50 yrs, Lecturer, R/o BLDE College Hostel
Quarters # 1, Girish Nagar, Jamakhandi
Bagalkot District

Respondents

(By Sri S S Mamadapur, Adv.)

Petitions are filed under S.19(4) of the Family Court Act praying to set aside the judgment dated 22.11.2012 in Crl.Misc.397/2011 by the Family Court, Bijapur.

Petitions coming on for Admission this day, the court made the following:-

ORDER

Petitioner in RPFC 501/13 is the husband who has moved this Court against the quantum of maintenance awarded by the Family Court.

Simultaneously, another petition RPFC 542/2013 is filed by the wife and son of the petitioner husband seeking enhancement of maintenance.

Petitioner is said to be working as a Lecturer and in a matrimonial dispute between him and the 1st respondent wife, the Family Court has ordered to pay maintenance of Rs.15,000/- to the wife and Rs.10,000/- per month to the son. According to the petitioner's counsel, the 1st respondent is also working as a Teacher and is earning.

However, according to the counsel representing the 1st respondent, there is no proof of income being produced and she has no permanent source of income. Accordingly, he has sought for rejection of the application filed by the petitioner and to enhance the maintenance awarded.

Having regard to the fact that the wife is also capable of earning, she could be awarded Rs.6,000/- per month and the son could be awarded Rs.6,000/- per month. Ordered accordingly. Amount in deposit be adjusted towards arrears and also for future payment. Amount in deposit be

released in favour of the respondent wife and child, as per the modified award.

Petition (RPFC 501/2013) filed by the husband is allowed in part.

Petition (RPFC 542/2013) filed by the wife and son is dismissed.

*SD/-
Judge*

An