

(2013) 01 KAR CK 0102
In the Karnataka High Court
Case No : R.P. (F.C) 515 of 2012

Laxmi

APPELLANT

Vs

Ramanna

RESPONDENT

Date of Decision : 22-01-2013

Acts Referred:

Citation : (2013) 01 KAR CK 0102

Hon'ble Judges : Anand Byrareddy, J

Bench : Single Bench

Advocate : Chandrakala, for the Appellant; R.S. Siddapurkar, for the Respondent

Final Decision : Allowed

Judgement

Anand Byrareddy, J.—The petition coming on for admission is heard for final disposal. The petitioner is the wife, claiming enhancement of maintenance that was awarded in the year 2003. The amount of maintenance that was awarded was Rs. 1,500/- as on 31.03.2003. The Court below while considering the application for enhancement of the maintenance has taken into account the increase in salary of the respondent and has also taken judicial notice of the increased cost of living and has increased the maintenance from Rs. 1,500/- to Rs. 3,000/- and in its opinion has held that it would meet the ends of justice. Since the application for enhancement of maintenance was filed after a gap of 6 years i.e. in the year 2009, the Court below having proceeded with extreme prudence by enhancing the same upto Rs. 3,000/- would not be sufficient to meet the daily needs of the petitioner, even if she has employed herself in some vocation or the other, though there is no material placed on record except the say of the respondent that she was engaged in milk vending business and tailoring and since the respondent is also said to have filed a divorce petition which is pending consideration, the petitioner would though be entitled to claim alimony in those proceedings, till such time, that there is any such final settlement, the maintenance amount of Rs. 3,000/- is hardly sufficient to meet the daily needs of the petitioner. Therefore, in the opinion of this Court it ought

to be enhanced further and therefore the maintenance amount stands enhanced to Rs. 5,000/- per month, which shall however be paid prospectively commencing with the month of January, 2013. The petition stands allowed accordingly.