



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

CRIMINAL REVISION PETITION No.1600 OF 2016
C/W CRIMINAL REVISION PETITION No.1407 OF 2016

IN CRL.RP No. 1600/2016

BETWEEN:

[REDACTED]

...PETITIONER

(BY SRI PRADEEP SKANDAN.K.S FOR
SRI. GANESH KUMAR R, ADVOCATES)

AND:

[REDACTED]

...RESPONDENT

(BY SMT. NANDITA HALDIPUR, ADVOCATE)

THIS CRIMINAL REVISION PETITION IS FILED UNDER
SECTION 397 R/W 401 CODE OF CRIMINAL PROCEDURE
PRAYING TO SET ASIDE THE FINAL ORDER DATED 10.6.2015
PASSED BY THE MMT-C-I, MAYOHALL UNIT, BANGALORE IN





CRL. MISC. NO.95/2011 AND CONFIRMED THE COMMON FINAL JUDGMENT DATED 11.08.2016 PASSED BY THE LVII ADDL. CITY CIVIL AND S.J., MAYO HALL UNIT, BANGALORE IN CRL.A.NO.895/2015 & CRL.A.NO.25078/2015, IN SO FAR AS IT RELATES TO DIRECTING THE DISMISSAL OF CRL.A.NO.895/2015 AND CONSEQUENTLY TO DIRECT DISMISSAL OF CRL. MISC. NO.95/2011 DISPOSED OF BY THE MMTC-I, MAYO HALL UNIT, BANGALORE BY ORDER DATED 10.6.2015.

IN CRL.RP NO. 1407/2016

BETWEEN:

[REDACTED]

...PETITIONER

(BY SMT. NANDITA HALDIPUR, ADVOCATE)

AND:

[REDACTED]

...RESPONDENT

(BY SRI. GANESH KUMAR R, ADVOCATE)

THIS CRIMINAL REVISION PETITION IS FILED UNDER SECTION 397 R/W 401 CODE OF CRIMINAL PROCEDURE



PRAYING SET ASIDE THE ORDER DATED 11.08.2016 PASSED BY LVII ADDL. CITY CIVIL AND S.J., MAYO HALL, BANGALORE (CCH-58) IN CRL.A.NO.25078/2015 AND ALLOW THE CRL.MISC.NO.95/2011 AS PRAYER FOR.

THESE PETITIONS, COMING ON FOR HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

Heard Sri Pradeep Skandan K.S., advocate for Sri Ganesh Kumar R, learned counsel for the revision petitioner and Smt. Nandita Haldipur, learned counsel for the respondent.

2. Crl.RP No.1600/2016 is filed by the husband and Crl.RP No.1407/2016 is filed by the wife challenging the Order dated 10.06.2015 passed by the Metropolitan Magistrate Traffic Court-I, Mayo Hall Unit, Bengaluru, in Crl.Misc. No.95/2011 filed under Section 12 of the Protection of Women from Domestic Violence Act, which was confirmed in Criminal Appeal Nos.895/2015 and Criminal Appeal No.25078/2015 by the Order dated 11.08.2016 on the file of the LVII Additional City Civil and Sessions Judge, Mayo Hall Unit, Bengaluru (CCH-58).



3. Facts in the nutshell which are utmost necessary for disposal of the present revision petitions are as under:

A petition under Section 12 of the Protection of Women from Domestic Violence Act, came to be filed by the wife contending that her marriage took place on 13.04.2009. After the marriage there was demand for additional dowry in cash and gold ornaments.

4. It is further contented that on the fourth day of the marriage itself, husband tried to find out the bank balance in the account of the wife and there was repeated demand for additional dowry including the demand for an Omni car by the husband. When the same was not met, there was physical and mental harassment resulting in filing of the petition.

5. The husband entered appearance, denied the petition averments and after due trial, petition came to be allowed in part.

6. Operative portion of the Order passed by the learned Trial Magistrate reads as under:



"The petition filed by the aggrieved person U/Sec. 12 of the Protection of Women from Domestic Violence Act is hereby partly allowed.

The respondent is hereby restrained from committing any act of domestic violence against the aggrieved person U/Sec. 18 of the Act.

The respondent is hereby directed to pay Rs.5,000/- (Rupees Five Thousand) per month towards rent to aggrieved person from the date of this order.

The respondent is hereby directed to pay Rs.4,000/- (Rupees Four Thousand) per month towards maintenance to the aggrieved person from the date of this order.

The respondent is directed to pay Rs.40,000/-as compensation to the aggrieved person.

The aggrieved person is not entitled for any other reliefs as prayed in the petition.

Send the copy of this order to the Child Development Project Officer and concerned Police Station"

7. Being aggrieved by the same, husband filed Criminal Appeal No.895/2015 and wife filed Criminal Appeal



No.25078/2015 challenging the validity of the order passed by the learned Trial Magistrate.

8. Learned Judge in the First Appellate Court heard the appeals in common and by common judgment dated 11.08.2016, dismissed both the appeals.

9. Being aggrieved by the same, husband and wife have filed the present revision petitions.

10. Sri Pradeep, learned counsel for the husband reiterating the grounds urged in the petition would contend that the husband who was running a school has closed the said school and as of now he is jobless. Therefore, as of now, he is unable to pay any maintenance.

11. He would further emphasize that the wife has failed to furnish the necessary particulars as to her avocation and earnings though she is earning more than Rs.1,50,000/- per month. Therefore, adverse inference will have to be drawn. Since wife is earning more than Rs.1.5 lakhs per month and thus, the revision petition of the husband needs to be allowed and revision petition filed by wife needs to be dismissed.



12. *Per contra*, Smt.Nandita Haldipur, learned counsel for the wife while opposing the grounds of the revision petition filed by the husband, maintained that husband is having the landed properties and is suppressing those material facts before the Court in order to evade the orders passed by the learned Trial Magistrate and therefore, sought for allowing the revision petition filed by the wife.

13. She would further contend that merely on the ground that the wife is earning would not *ipso facto* result in denying the maintenance amount to the wife and therefore, sought for allowing the revision petition filed by the wife by enhancing the maintenance amount reasonably.

14. Having heard the arguments of both sides, this Court perused the material on record meticulously.

15. On such perusal of the material on record, the assets and liability statement filed by both the parties is taken into consideration.



16. According to the husband, he possesses only one acre of land. Even on the said land measuring one acre, he has borrowed Rs.3,50,000/- in the year 2019 by mortgaging said property. Again he has mortgaged the property to DCC Bank and borrowed sum of Rs.1,00,000/- in the year 2021.

17. Admittedly, the impugned order is not complied with by the husband on the ground that he does not have the money. When he can borrow Rs.4,50,000/- by mortgaging one acre of property and did not pay the maintenance amount, conduct of the husband can be very well be inferred that he is not willing to pay the maintenance amount.

18. On 18.03.2026, husband has paid sum of Rs.10,000/- and today the matter is listed for payment of balance amount. The husband neither appeared before the Court nor made any payment. Counsel for husband would argue that husband has no money to pay.

19. Smt. Nandita Haldipur, learned counsel for the wife, however contended that the husband has got share in the



ancestral property and therefore, there are means to pay not only maintenance, but also enhanced maintenance.

20. Admittedly, what is the share in the ancestral property is yet to be finalized. At any rate, same cannot be the ground for enhancing the maintenance, as the wife is an earning member and is getting handsome salary.

21. The statement of assets and liabilities filed by the wife would make it clear that she could spend a good amount towards the legal expenses also.

22. Taking note of these aspects of the matter, especially when the husband has lost his job and as on today is jobless as is contented by him, which is disputed by the wife, this Court is of the considered opinion that there is no scope for further enhancement of the maintenance amount, more so, when the wife is an earning member and there are no issues in the marriage.

23. Therefore, the grounds urged in the revision petitions are hardly sufficient to interfere with the Orders passed by the learned Trial Magistrate confirmed by the First Appellate Court.



NC: 2026:KHC:16444
CRL.RP No. 1600 of 2016
C/W CRL.RP No. 1407 of 2016

24. Hence, the following:

ORDER

Revision Petitions are ***dismissed.***

Sd/-
(V SRISHANANDA)
JUDGE

kcm
List No.: 1 SI No.: 49