KABC010158892025

KABC010145882025

IN THE COURT OF LV ADDL. CITY CIVIL AND SESSIONS JUDGE, BENGALURU (CCH-56)

DATED THIS THE 28th DAY OF OCTOBER, 2026

PRESENT

SRI. MOHAN PRABHU, M.A., LL.M.

LV ADDL. CITY CIVIL AND SESSIONS JUDGE, BENGALURU.

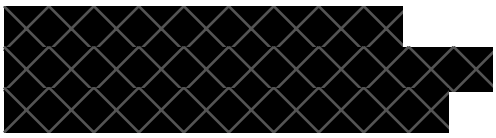
Crl. Appeal No.961/2025
& Crl. Appeal No.903/2025

Appellant in Crl. Appeal No.961/2025 [redacted]

(BY Sri B. R. Raghavendra.,Advocate)

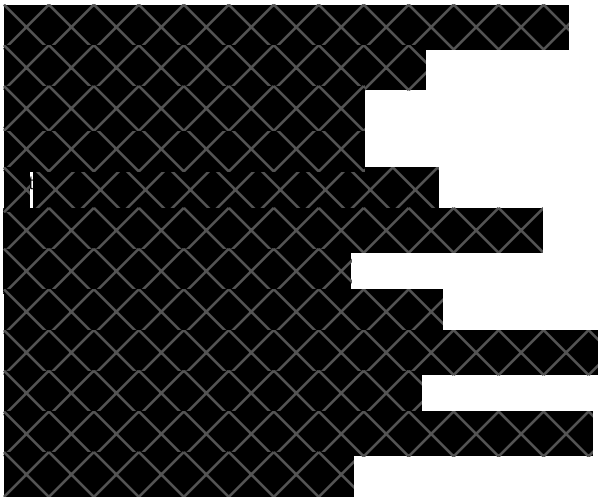
VERSUS

Respondent in Crl. Appeal No.961/2025 [redacted]



(BY Sri. Harish. H. V. Advocate)

Appellant in Crl. Appeal No.903/2025:

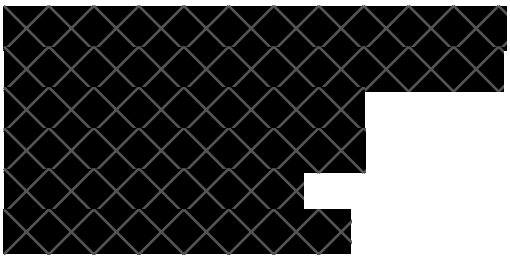




(BY Sri. Harish. H. V. Advocate)

VERSUS

Respondent in Crl. Appeal No.903/2025:



(BY Sri B. R. Raghavendra.,Advocate)

COMMON JUDGMENT

The petitioner/appellant in Crl. Appeal No.961/2025 has filed this appeal under Section 29 of Protection of Women

From Domestic Violence Act (P.W.D.V Act) 2005, praying to set aside or modify the impugned order dated 25/04/2025 passed by the JMFC (Traffic Court- IV) in Crl. Misc. No.67/2021 and prays to allow the maintenance to the petitioner at the rate of Rs.1 lakh p.m. in view of her financial dependency and life style and prays to confirm the maintenance to the minor child at Rs.15,000/- per month and education expenses of Rs.1,60,000/- p.a. as already directed by the Trial Court and prays to provide compensation of Rs.15 lakhs to the petitioner for physical, mental and economic abuse and suffering under section 22 of PWDV Act and issue protective orders under Section 18 prohibiting the respondent from communicating directly or indirectly and causing further abuse and prays to pass the residential order under Section 19 directing the respondent to provide a separate rental accommodation or pay for the rental expenses for the petitioner and her son.

2. The respondent in his appeal No.903/2025 prays to set aside the impugned order dated 25.04.2025 and consequently dismiss the petition in Crl. Misc. No.67/2021 on the file of JMFC (Traffic Court- IV), at Bengaluru.

3. The parties are referred to their ranks before Trial Court. The appellant in Crl. Appeal No.961/2025 is referred as petitioner and appellant in Crl. Appeal No.903/2025 is referred as respondent.

4. The grounds urged in the petition filed u/s. 12 of PWDV Act, is briefly stated as follows:-

The marriage of the petitioner and respondent was solemnized on 15.06.2014 at M.S Ramaiah, Kalyana Mantapa, Gokula, Bangalore, as per the Hindu rites and customs which is prevailing in their community. Out of their wedlock, they begotten one male child. Immediately after marriage on 26.06.2014, the petitioner had left to USA along with respondent. The respondent is working as Civil Engineer at New Jersey, USA. Initially, the respondent was looking after the petitioner very well. In the year 2016, respondent started to ill-treat the petitioner. During her third month pregnancy, the respondent assaulted the petitioner. Due to physical assault, New Jersey. Police warned the respondent. After delivery, the respondent ill-treated the petitioner without any reason. At that time the mother of the petitioner was also in USA to look after the petitioner. The respondent on the ill-

advice of his mother started to ill-treat the petitioner and abused her. In the year 2017, the petitioner returned to India due to child health issue. Thereafter the respondent had not received the petitioner back in USA. The petitioner is staying in her parental home. The respondent has filed M.C No. 4301 of 2018 before Family Court through his father on the basis of Power of Attorney. The petitioner appeared and filed objection statement. The mother of the respondent abused the petitioner due to child rashes. With an intention to get treatment, the petitioner traveled back to Bangalore and stayed in her parental home. In-laws of the petitioner not allowing her to enter the matrimonial home. The father of the petitioner invited in-laws of the petitioner to see the grand children. They rejected the offer and told that they will get marry their son with another girl. They don't want to continue the relationship. The respondent and in-laws demanded dowry. In that regard petitioner filed a complaint before Basavanagudi Woman Police Station. Currently the petitioner is residing in her parental home. The petitioner is having old aged parents, two brothers and two sisters-in-laws and their children residing in that house. In the circumstances, it is not in a position to continue to stay in the parental home. It is the

duty of the respondent to take care of the petitioner and their son. The respondent had failed to provide maintenance to the petitioner and her son. The petitioner admitted her son to Sindhi High School for LKG and annual school fee of her son is ₹1,00,000/-. It is difficult to pay the educational expenses of her son. The petitioner requires day-to-day expenses. Hence the petitioner has filed this petition seeking for protection order, monetary relief, maintenance, residential order.

5. The respondent in his objection filed before trial court has denied all the allegations made by the petitioner. The respondent has taken contention that the petition is barred by limitation. After performance of the marriage in India, within few days they moved to USA since respondent was working in New Jersey as engineer. They both resided happily for certain period and later petitioner got pregnant. The respondent was taking care of the petitioner. The respondent has performed the baby shower function in USA by calling his friends and relatives. After that petitioner was admitted to St. Peter's Hospital at New Jersey for delivery of child. The mother of the petitioner was also called to help her. The petitioner gave birth to a male baby. After that the

dispute arose between them. The petitioner initially was not creating any problems. After the delivery of child and arrival of her mother, she started ill-treating the respondent. She ill-treated the respondent in such an inhumane manner that he was not provided adequate food and he was not even offered a cup of coffee which constrained the respondent to take food outside and it deteriorated his health. The petitioner is a dominating natured woman and she used to dictate everything and due to her attitude the respondent suffered heartbreak. She used to call the friends and relatives and spread false things about the respondent. The petitioner even submitted false things to his colleagues which caused embarrassment for him. Due to the acts of the petitioner, he suffered both physically as well as mentally. The petitioner has leveled false allegation with regard to physical abuse and police complaint. No such things has taken place and she has narrated false facts before the Court. After arrival of the petitioner in USA, he enrolled her for a SAP course in New Jersey and paid fees and she has completed the course in 6 months. After that as well he has helped the petitioner to get a job in USA. But the petitioner being a reluctant woman did not bother to prepare even the resume and it is the

respondent who has taken care of her. In spite of using all his contacts he got job offers for the petitioner but the petitioner demanded high amount and she was not able to get job since she demanded heavy amount from the employers. After the arrival of her mother, the petitioner has completely changed and completely neglected the respondent. In order to follow the tradition, the respondent directed her to lit a lamp after 14 days of the birth of the child. The petitioner refused to do the same and said it in a clear tone that she will not do any customs and she will go to Bangalore and she will follow the customs there. After 4 months there was certain rashes found on the child. The respondent insisted the petitioner to go before a doctor and provided her an appointment, but the petitioner refused to go before doctor and she constantly missed the appointments before the gynecologist and all of a sudden petitioner and her mother started demanding to the respondent to book tickets for India. They even harassed saying that they will commit suicide if the tickets were not booked. Hence the respondent was constrained to apply for Tatkal Visa for the child and he booked the tickets for both petitioner and her mother and sent them to India on 20.11.2017. When she went back to India, she did not contact

the respondent at all. The respondent made attempts to see the child. The petitioner had intention not to show the child. Hence she did not allow the Respondent to see the child through videos as well. When the parents of the respondent made an attempt to see the child, the same was also discouraged by the petitioner. The respondent made all possible attempts for reconciliation. But due to stubborn attitude of the petitioner, as she was not interested in continuing anything after the failure of panchayaths from the relatives, the respondent with no other option approached Family Court and filed petition for divorce in the year 2018. The respondent made all possible attempts, but due to attitude of the petitioner, he was not allowed to see the child and not have marital bliss. Hence, he approached the Family Court. When the petitioner came to know about the lodging of the case in Family Court, she appeared before the Court and filed her objection, and after 1 year, she lodged a false complaint alleging dowry harassment against respondent and his parents. The respondent after knowledge of the institution of criminal case and charge sheet, challenged the same before Hon'ble High Court of Karnataka by filing Criminal Revision Petition. Upon hearing the parties, the Hon'ble High Court in

Criminal Petition No. 7457 of 2019 quashed the charge sheet filed by the police based on the complaint of the petitioner. When the petitioner appeared before the Family Court, she sought for maintenance and court ordered to pay sum of ₹20,000 per month to the petitioner. The respondent duly complied the same. After lapse of several years, the petitioner has filed this petition with the sole intention to harass the respondent. This petition is based on false facts. The petitioner has filed false case to harass the respondent. Hence on these grounds, the respondent prayed for dismissal of the petition.

6. The Memorandum of Appeal filed by the petitioner is as follows:-

The trial Court erred in ignoring the clear and unrebutted testimony of the appellant regarding physical, verbal and economic abuse. The trial Court failed to appreciate the financial dependency of the appellant and the responsibilities of the respondent under Section 20 of PWDV Act. The trial Court disregarded the principle that a non-working wife and a minor child are liable to be maintained by the husband-Father. The trial Court fell into error by denying

maintenance to the appellant on the ground of her education and employability, ignoring the legal principle that education alone is not sufficient to deny maintenance, especially when the wife has no actual income and is not employed. The trial Court disregarded the financial capacity of the respondent, who is a software engineer in USA, and earning a substantial income in dollars. The trial Court failed to appreciate that the appellant has the physical custody of the child and is the primary caregiver, which restricts her ability to pursue employment immediately. The trial Court neglected to consider the trauma, suffering, and dislocation in the appellant's life due to abuse and marriage breakdown, thereby under compensating her for the harm. The trial Court erred in ignoring the legal principle that a divorced wife is not disqualified from maintenance under the Protection of Woman from Domestic Violence Act. The trial Court failed to pass protection order under Section 18 and residential order under Section 19 of PWDV Act, ignoring the appellant's genuine apprehension of future abuse and her need for a separate residence. Hence the petitioner prays to set aside or modify the impugned order dated 25.04.2025 passed by JMFC (Traffic Court IV) in Crl. Misc No. 67/2021. Allow

maintenance to the appellant wife at the rate of ₹1,00,000/- per month in view of her financial dependency and lifestyle. Confirm the maintenance to the minor child at ₹15,000/- per month and education expenses of ₹1,60,000/- per annum as already directed by trial Court. Provide compensation of ₹15,00,000/- to the appellant for physical, mental and economic abuse and suffering under Section 22 of PWDV Act. Issue protection order under Section 18 by prohibiting the respondent from communicating directly or indirectly and causing further abuse. Provide residential order under Section 19 directing the respondent to provide a separate rental accommodation or pay for the rental expenses for the appellant and her son.

7. The Memorandum of Appeal filed by the Respondent is briefly stated as follows:-

The judgment and order passed by the trial Court is without considering the facts and circumstances, material documents, evidences and probabilities of the case. Hence the judgment and order passed by the trial Court is unsustainable in law. The trial Court has failed to appreciate the oral and documentary evidence on record and the findings

and reasoning given to proceed in allowing the petition in part and directing the respondent to pay a maintenance amount of ₹15,000/- per month to the child from the date of petition till he attains majority, also directed to pay ₹1,60,000/- per annum towards educational expenses from the date of joining school till he attains majority and also to pay ₹8,00,000/- towards compensation to the petitioner. The very institution of the petition before trial Court was challenged on the grounds urged therein is not considered by the trial Court. In fact petitioner is also BE graduate in Electronic and Communication. She is well educated and highly qualified with capacity to earn and maintain herself and voluntarily she is chosen not to work and earn money herself and she has filed false petition by making false allegations only to extract money from the respondent. The trial Court has not considered the fact that respondent himself made the petitioner to enroll to some course in USA and apart from that appellant had paid fee for 6 months course called SAP Software Training classes and he has not caused any cruelty and domestic violence to the petitioner. Without considering the said facts, the trial Court has passed the impugned order which requires to be set aside. The trial Court has not

considered the fact that the mother of the petitioner was there in USA to take care of the petitioner for her post delivery and on the ill advise of the mother of the petitioner, the petitioner started ill-treat respondent and she was dominating the respondent and used to spread false allegation against respondent and due to the act of the petitioner in fact respondent has suffered physically as well as mentally. The trial Court has failed to take into consideration that she voluntarily left USA and came to India and residing in her parents' house, hence the order passed by trial Court is to be set aside. The trial Court in the judgment at Page No. 23, para no. 26 opines that she failed to prove the physical assault on her and considers New Jersey Police report as proof which was submitted by respondent. Hence the judgment and order passed by trial Court is liable to be set aside. The trial Court in the order page No. 24 and para No. 27 highlights the language she used on respondent. It is quoted from the order and stated as though it is not disputed petitioner used language which affects the normal manner and it concluded by the trial Court that language used by her has high gravity with regards to words by considering this fact respondent has suffered mental torture which will inflict long lasting

suffering, severe pain and broke respondent will the trial Court has mentioned and acknowledged the divorce decree granted by Family Court on the grounds made out by the respondent. There is a mention in the said judgment that the petitioner is an adamant lady. However, the trial Court failed to acknowledge the fact that respondent has gone through cruelty in her hands. There is no incidents of domestic violence. Hence question of awarding maintenance does not arise. The petitioner has made false allegation that respondent is earning salary of ₹10,00,000/- per month, which is totally false. She has not produced any documents in this regard. The trial Court has not considered the fact that respondent has filed a petition for divorce in Family Court in MC No. 4301 / 2018. In that case, the petitioner had filed application for maintenance, wherein the court was granted monthly maintenance of ₹20,000/-. The Court granted decree of divorce vide judgment and decree dated 28.02.2024. The said judgment and decree as challenged by the petitioner before Hon'ble High Court by filing MFA No. 3032 of 2024. The Hon'ble High Court of Karnataka, apart from the maintenance of ₹20,000/- per month in her favour ordered by the trial Court in the divorce petition has ordered to pay the

maintenance amount of ₹10,000/- per month in favour of the child. The respondent is paying the same. The same has been suppressed by the petitioner and got the impugned order. The respondent is paying ₹20,000/- per month as interim maintenance to her from 12.02.2020. The petitioner has filed this DV case on 25.08.2021. The trial Court has not considered the fact the interim maintenance order passed by the Hon'ble High Court in favour of the petitioner and her child. Hence the order of the trial Court requires to be set aside. The trial Court has not considered the fact that the petitioner is educated lady and she is working in [redacted] as Insights Sales Representatives Representative for more than 2 years 5 months from February 2023 to until now. Moreover the petitioner had completed SAP course which means she is a technically qualified woman capable of working which is admitted in her cross examination. The trial Court has not considered the fact that she failed to provide a single piece of evidence towards domestic violence occurred on her and failed to prove any such domestic violence happened to her. The trial Court has not taken into consideration that she lodged a false complaint alleging dowry harassment against the respondent, his

parents, his sister and brother-in-law. The Hon'ble High Court quashed the criminal case in Criminal Petition No. 7457 / 2019. The domestic violence case is filed by the petitioner in order to harass the respondent. The petitioner after lapse of 6 years i.e. in the year 2021 by making false allegations with a false and cooked-up story of alleged domestic violence and dowry harassment filed this case. There is no alleged domestic violence caused by the respondent. The petitioner had filed a false petition only to harass the respondent and gain money from him. The trial Court has not taken into consideration if any alleged domestic incident report which is to be received by it from the Protection Officer or the Service Provider for it to arrive at a conclusion that the petitioner at any point of time caused or meted out any alleged ill-treatment or harassment to the petitioner. In the absence of the same, the trial Court could not have allowed the petition filed by the petitioner. The trial Court mentions the Hon'ble Apex Court's case in ***Padmaja Sharma versus Rathan Lal Sharma***. The trial Court has not considered the facts and circumstances, oral and documentary evidence, let in by the parties and the admissions elicited in the cross-examination of PW1. On the

other hand, the respondent has produced all the necessary documents in support of his case. The trial Court, without considering the same, passed the impugned order. The petitioner has submitted xerox copy of PAN card in a domestic violence case as well as in a MFA, both PAN number are different. It is evident that she is involved in fabricating the document and submitting it to the Court. The petitioner has not approached the court with clean hands. She has been misusing the laws which made for the protection of women by suppressing the material facts and misleading the court. Hence the respondent prays to set aside the impugned judgment and order dated 25.04.2025 and consequently dismiss the petition in Criminal Miss No. 67 of 2021.

8. The petitioner in Crl. Appeal No.961/2025 moved I.A. No.1 under Section 5 of Limitation Act praying to condone the delay of 11 days in preferring this appeal on the ground that Trial Court passed the impugned order on 25/04/2025, the advocate on record has applied for certified copy on 28/04/2025, the same was delivered to his advocate on 26/05/2025, thereafter, she visited her advocate to get the certified copy of the judgment in 2nd week of June 2025, then her advocate told her that the Trial Court has allowed her

petition in part, however, declined to grant residence and also told that the compensation awarded by the Trial Court is inadequate and advised her to prefer an appeal immediately. Thereafter she contacted her advocate on 15.06.2025 and preferred this appeal. Hence, the delay is caused in preferring the appeal.

9. The learned counsel for the respondent filed his objections by contending that the averments made in para 4 of the affidavit filed by the petitioner in support of the application are false. The petitioner was aware about the judgment passed in Crl. Misc. No.67/2021 on the date of judgment itself. The petitioner has created false story in order to prefer this appeal, each day of delay is not properly explained, there is no sufficient grounds made out by the petitioner to allow the application. Hence, the respondent prayed for rejection of I. A. No.1.

10. I have heard the arguments of the side of learned counsel for the petitioner and learned counsel for the respondent. I have perused the entire records. The learned counsel for the petitioner and learned counsel for the respondent have filed their respective written arguments.

11. The learned counsel for the petitioner as well as the respondent have relied on the judgments which will be refer in later part of the judgment while discussing the relevant points.

12. The following points would arise for my consideration:-

(1) Whether the petitioner has made out sufficient grounds to allow I.A. No.1 filed by her in Crl. Appeal No.961/2025 under Section 5 of the Limitation Act and to condone the delay in preferring the appeal?

(2) Whether the Trial Court has erred in holding that petitioner proves that she has been in domestic relation with respondent and that she has been subjected to domestic violence and neglected by the respondent?

(3) Whether there is sufficient grounds made out by the petitioner in Crl. Appeal No.961/2025 to allow the appeal as prayed for ?

(4) Whether the respondent/appellant in Crl. Appeal No.903/2025 has made out sufficient grounds to allow the appeal filed by him as prayed for ?

(5) What orders?

13. My finding on the above points are as under:-

Point No.1) : In the Affirmative.

Point No.2) : In the Negative

Point No.3) : Partly in the Affirmative

Point No.4) : In the Negative

Point No.5): As per final orders

for the following

REASONS

14. **Point No.1**:- The petitioner has filed I. A. No.1 under Section 5 of the Limitation Act praying to condone the delay of 11 days in filing the appeal on the ground that, soon after coming to know about the impugned order dated 25/04/2025 her advocate applied for the certified copy on 28/04/2025 and same was delivered to her advocate on 26/05/2025. Thereafter she visited her advocate to get the certified copy of the judgment in the 2nd week of June 2025, on that day, her advocate told her regarding partly allowing her petition and declining to grant residence order and advised her to prefer an appeal. Thereafter, immediately she contacted the advocate on record on 15/06/2025 and preferred this appeal. Hence, the delay is caused in preferring this appeal.

15. In order to substantiate such contention taken by the petitioner, she has produced the certified copy of the impugned order passed by the Trial Court which would go to

show that the copy application was filed by the advocate to get the copy on 28/04/2025 and copy was ready on 14/05/2025 and certified copy was delivered on 26/05/2025. This court has observed the entire Trial Court records in Crl. Misc. No.67/2021. On perusal of the Trial Court records, even though there is an order to furnish a copy of the order free of cost to the petitioner, there is no endorsement or mention in the order sheet regarding copy of the order was supplied to the petitioner at free of cost. Hence, there is some substance in the submission of the petitioner regarding her advocate applied for certified copy of the order and same was delivered to her advocate on 26/05/2025. There is sufficient grounds made out by the petitioner to allow I. A. No.1 filed under Section 5 of the Limitation Act. Hence, I answer Point No.1 in the affirmative.

16. **Point No.2 to 5:-** The learned counsel for the petitioner (appellant in Crl. Appeal No.961/2025) argued that the present appeal is maintainable under Section 29 of PWDV Act which expressly provides an appeal to the court of Sessions against an order passed by the Magistrate. He relied on the judgment of Hon'ble Supreme Court reported in ***Shaurabh Kumar Tripathi Vs. Vidhi Rawal*** reported in

2025 INSC 734. The learned counsel for the petitioner argued that the legality of the divorce decree is challenged before the Hon'ble High Court, however, the validity of the divorce decree itself is not required to be adjudicated in this appeal. He relied on the judgment of Hon'ble Supreme Court in ***Juveria Abdul Majid Patni Vs. Atif Iqbal Mansoori*** reported in (2014) 10 SCC 736 to contend that the Hon'ble Supreme Court held that a subsequent decree of divorce does not absolve liability for domestic violence already committed or deprive the aggrieved woman of statutory remedies under the D.V. Act. He also relied upon the judgment of Hon'ble Supreme Court in ***Prabha Tyagi Vs. Kamlesh Devi*** reported in (2022) 8 SCC 90 wherein the Hon'ble Supreme Court held that, although marriage ceases upon divorce, a woman subjected to domestic violence during marriage, or to conduct after divorce relatable to the earlier domestic relationship, continues to have remedies under the D. V. Act. The learned counsel for the petitioner relied on the judgment of Hon'ble Supreme Court in ***Shailja and another Vs. Khobbanna*** reported in (2018) 12 SCC 199, wherein it is held that there is distinguish between a person being capable or earning and a person cannot by itself justify denial or reduction of

maintenance. The learned counsel for the petitioner has also relied on the judgment of Hon'ble Supreme Court in ***Rajnesh Vs. Neha and another*** reported in (2021) 2 SCC 324, he submitted that denial of the maintenance to the petitioner merely because she is educated and capable to earning is contrary to settled law. He argued that, petitioner being primary care giver of a minor child, hence, even though she is educated lady but she cannot do the job as she has to look after her minor child, he submitted that the respondent is having sufficient income, but he has completely neglected and refused to maintain the petitioner and her minor child. He relied on the judgment reported in ***Sunitha Kachwaha Vs. Anil Kachwah*** reported in (2014) 16 SCC 715, he argued that, the respondent is a qualified software engineer working in USA, respondent is having sufficient income but respondent has completely neglected and refused to maintain the petitioner and her minor child. He argued that the maintenance amount of Rs.15,000/- p.m. awarded to the minor child is disproportionate to the income of the respondent. He argued that the petitioner is required atleast a sum of Rs.1 lakh per month as a maintenance.

17. The learned counsel for the petitioner argued that

the Domestic Violence includes economic abuse. He relied on the judgment of Hon'ble Supreme Court in ***Shaurabh Kumar Tripathi Vs. Vidhi Rawal*** reported in 2025 INSC 734 wherein the Hon'ble Supreme Court emphasized the statutory conception of Economic Abuse. He argued that, the learned magistrate could not treat maintenance, residence and economic abuse as wholly disconnected questions. He argued that, the learned magistrate erred in not granting residence order under Section 19 of the Act and Protection order under Section 18 of the Act. He submitted that, compensation under Section 22 of the Act has to be reflect the nature and consequences of the domestic violence, he prays to grant compensation of Rs. 15 lakhs to the petitioner. He argued that divorce does not extinguish the statutory remedies arising form the past domestic violence. He relied on the judgment in a case between ***V.D. Bhanot Vs. Savita Bhanot*** reported in (2012) 3 SCC 183 and judgment reported in (2022) 8 SCC 90 between ***Prabha Tyagi Vs. Kamlesh Devi.*** He argued that impugned order suffers from internal inconsistency and non consideration of material facts. Hence, the learned counsel for the petitioner prays to set aside and modify the judgment and order dated 24/04/2025 passed in

Crl.Misc.No.67/2021 and prays to grant monetary relief of maintenance of Rs.1 lakhs p.m. to the petitioner and prays to enhance the maintenance granted to the child and prays to pass residence order under Section 19 of the Act, Protection order under Section 18 of the Act and prays to award sum of Rs.15 lakhs to the petitioner under Section 22 of the Act.

18. On the other hand, the learned counsel for the respondent argued that, even though the petitioner has not sought for the relief of maintenance to the child, the Trial Court has granted maintenance of Rs.15,000/- p.m. The respondent has no opportunity to raise his defense regarding maintenance to the child. He argued that, even though the petitioner sought for the relief to pay compensation of Rs.5 lakhs under Section 22 of the PWDV Act, the Trial Court has granted an amount of Rs.8 lakhs which is illegal. He argued that, the petitioner alleges ill treatment at USA by the respondent and also contended that the complaint lodged with New Jersey police and the police came to the house and warned the respondent, but the document Ex.R.15 which is the record of background check given by the South Brunswick Township Police Department, wherein it is clear that there were no criminal cases. The petitioner has failed to

prove the ill treatment and physical assault at USA. The Trial Court in para No.26 clearly states that the petitioner has failed to prove the said allegation. So far as the verbal abuse is concerned. The Trial Court in para No.27 of its judgment clearly states that the word used by the petitioner when compared with the respondent the gravity is high with regard to the petitioner, hence, verbal abuse is not proved by the petitioner. The Trial Court in para No.28 to 31 has given clear findings in this regard. The 3rd allegations levelled by the petitioner is that, when the petitioner came back to India due to the ill health of the child, the respondent did not invite her back to matrimonial home. The petitioner came to India on 20/11/2017 and since then she has not made any efforts to go back or to issue notice asking the respondent to take her back, she has not initiated any petition till the date since 2017 for restitution of conjugal rights or any notice asking the respondent to join her or to take her back, this clearly demonstrates that she is not interested in living with her husband. The family court granted divorce which clearly shows that due to mental cruelty caused by the petitioner the family court granted divorce. The petitioner had not given justifiable reasons to stay away from her

husband/respondent. The petitioner has made allegations of cruelty and dowry harassment. The respondent challenged the charge sheet filed against him and his family members by filing a Crl. Petition No.7457/2019. The Hon'ble High Court of Karnataka quashed the charge sheet filed against the respondent and his family members for the offences punishable under Section 498 (A) of IPC r/w Section 3 and 4 of D. P. Act. He argued that, in para 32 of the judgment, Trial Court comes out with a new reasoning that respondent did not voluntarily make any contribution to the welfare of the child and that it amounts to neglecting the child and the petitioner, the said findings of the Trial Court is baseless. The petitioner neither claimed maintenance for herself nor claimed maintenance to the child. The petitioner claimed maintenance in matrimonial proceedings and the court awarded amount of Rs.20,000/- p.m. as per order dated 12/02/2020. The respondent was paying the same to the petitioner regularly. When there is no justifiable reason for wife to stay away form husband, the same does not amounts to any cruelty muchless, incident of domestic violence. He argued that, the Trial Court in para 34 of the judgment comes to an erroneous conclusion that, there was ingredients of violence against the

aggrieved woman. The said findings is against the evidence on record. He argued that especially when there is no domestic violence the question of Trial Court to award compensation does not arise. He argued that, the Trial Court has rightly refused to give maintenance to the petitioner. The petitioner is a qualified woman, she is B.E graduate, she has done SAP course at USA, she is technically qualified to work. The Trial Court has rightly held that, since the petitioner possess required qualification and work experience she can earn for herself. The respondent also produced the documents to show that the petitioner is working in a company, he also prayed to remand the matter to the Trial Court by giving an opportunity to the respondent to prove the income of the petitioner. He argued that the Trial Court has rightly declined the relief under Section 18 and 19 of the PWDV Act by giving cogent reasons in para 44 and 45 of the judgment. He argued that the Trial Court has erred in awarding compensation amount of Rs.8 lakhs to the petitioner though she claimed only a sum of Rs. 5 lakhs. He argued that, since there is no domestic violence question of awarding compensation does not arise. He argued that, in the judgment and decree passed in M.C. No.4301/2018 the family court granted divorce on the ground

of cruelty by the petitioner against the respondent. He argued that without there being a prayer the Trial Court wrongly awarded maintenance at the rate of Rs.15,000/- p.m. to the child and Rs.1,60,000/- p.a. for educational expenses of the child. He argued that, the Hon'ble High Court in the appeal has also awarded Rs.20,000/- to the petitioner and Rs.10,000/- to the child. The respondent has paid the maintenance amount as ordered by the Hon'ble High Court. The learned counsel for the respondent relied on the judgment of Hon'ble High Court of Karnataka in ***Shilpashree J. M. Vs. Gurumanjunatha A. S***. reported in 2023 SCC Online Kar 36 to contend that Hon'ble High Court of Karnataka opined that the wife should not sit idle and is legally bound to make some efforts to meet her expenses and that she should seek only supportive maintenance from her husband. He relied on the judgment of Hon'ble High Court of Madhya Pradesh in the case of ***Sikha Vs. Avaneesh Mahodaya*** reported in 2024 SCC MP 5791 wherein it is held that, court is of the considered opinion that well qualified spouse should not be left idle or to remain idle basing on their maintenance amount received from husband. He relied on the judgment of Hon'ble Supreme Court in a case of ***Rohtash***

Singh Vs. Ramendri reported in (2000) 3 SCC 180 wherein it is held that, a wife is not entitled to any maintenance from her husband if she refuses to live with her husband without any sufficient reason or if they are living separately by mutual consent. He also relied on the judgment of Hon'ble High Court of Kerala in RPFC No.207/2020 reported in 2025 Live law (Ker) 191 to contend that respondent/wife is not entitled to maintenance since she was living separately without sufficient reason and has not shown any evidence of ill treatment by the husband. The learned counsel for the respondent also relied on the judgment of Hon'ble Supreme Court in ***Rajnesh Vs. Neha*** reported in (2021) 2 SCC 324 to contend that, in this judgment the Hon'ble Supreme Court held that only a reasonable amount must be awarded towards educational expenses of a minor child and that the expenses should be proportionately shared if the wife is working. He also relied on the judgment of Hon'ble Supreme Court in a case between ***Padmja Sharma Vs. Ratan Lal Sharma*** reported in (2000) 4 SCC 266 wherein it is held that according to the Section 20 of the Hindu Adoption and Maintenance Act read in conjunction with the Hindu Laws relating to the family, the mother has as much obligation to maintain a

minor child as the father. He relied on the judgment of Hon'ble Supreme Court in a case of ***Akella Lalitha Vs. Konda Hanumantha Rao*** reported in **(2022) Live law SC 638** wherein it is held that, the relief not found on the pleading should not be granted. If a court considers or grants a relief for which no prayer or pleading was made depriving the respondent of an opportunity to oppose or resist such relief it would lead to miscarriage of justice. He argued that petitioner is not staying with her husband/respondent since 2017, the divorce petition is filed during 2018 by the respondent, till 2021 the petitioner does not allege any incident of domestic violence, there are delay of five years in filing the petition which is not maintainable. Hence, domestic violence case is filed beyond limitation of one year. Hence, the Trial Court should not have been entertained the petition. He argued that the Trial Court has erred in holding that the petitioner was subjected to mental and economic abused by the respondent. Such findings given by the Trial Court is contrary to the evidence. Hence, the learned counsel for the respondent prayed to allow this appeal and to set aside the impugned order passed in Crl. Misc. No.67/2021.

19. Prior to proceed further it is important to note the

relevant provisions of Domestic Violence Act in order to find out whether there is a domestic relationship between the petitioner and respondent and to know whether the petitioner has been subjected to domestic violence and neglected by the respondent.

20. Sec. 2(s) of the Protection of Women from Domestic Violence Act, 2005 reads as follows:-

> **"(s) shared household means a household where the person aggrieved lives or at any stage has lived in a domestic relationship either singly or along with the respondent and includes such a household whether owned or tenanted either jointly by the aggrieved person and the respondent, or owned or tenanted by either of them in respect of which either the aggrieved person or the respondent or both jointly or singly have any right, title, interest or equity and includes such a household which may belong to the joint family of which the respondent is a member, irrespective of whether the respondent or the aggrieved person has any right, title or interest in the shared household;"**

21. Sec. 3 of the Protection of Women from Domestic Violence Act, 2005 reads as follows:-

> Definition of Domestic Violence:- For the purpose of this Act, any act, omission or commission or conduct of the respondent shall constitute

domestic violence in case it:-

a. harms or injures or endangers the health, safety, life, limb or well being, whether menial or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse ; or

b. harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security; or

c. has the effect of threatening the aggrieved person or any person related to her by any conduct mentioned in cause (a) or clause (b) or

d. otherwise injuries or causes harm, whether physical or mental, to the aggrieved person.

Explanation 1. For the purposes of this section:-

i. 'physical abuse' means any act or conduct which is of such a nature as to cause bodily pain, harm, or danger to life, limb or health or impair the health or development of the aggrieved person and includes assault, criminal intimidation and criminal force.

ii. "sexual abuse" includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of woman ;

iii. "verbal and emotional abuse' includes:

a) insults, ridicule, humiliation, name calling and insults or ridicule specially with regard to not having a child or a male child; and

b) repeated threats to cause physical pain to any person in whom the aggrieved person is interested.

iv. 'economic abuse' includes:

(a) deprivation of all or any economic or financial resources to which the aggrieved person is entitled under any law or custom whether payable under an order of a court or otherwise or which the aggrieved person requires out of necessity including, but not limited to, household necessities for the aggrieved person and her children, if any, stridhan, property, jointly or separately owned by the aggrieved person, payment of rental related to the shared household and maintenance.

(b) disposal of household effects, any alienation of assets whether movable or immovable, valuables, shares, securities, bonds and the like or other property in which the aggrieved person has an interest or is entitled to use by virtue of the domestic relationship or which may be reasonable required by the aggrieved person or her children or her stridhan or any other property jointly or separately held by the aggrieved person and

(c) prohibition or restriction to continued access to resources or facilities which the aggrieved person is entitle to use or enjoy by virtue of the domestic relationship including access to the shared household.

Explanation II:- For the purpose of determining whether any act, omission, commission or conduct of the respondent constitutes 'domestic violence' under this section, the over all facts and circumstances of the case shall be taken into consideration.

22. Prior to proceed further it is important to note some of the undisputed facts of this case. It is not in dispute that the marriage of the petitioner with the respondent solemnized on 15/06/2014 at MS Ramayya Kalyana

Mantapa, Gokulam, Bengaluru, as per the Hindu rites and customs prevailing in their community. It is undisputed fact that immediately after the marriage on 26.06.2014, the petitioner had left to USA along with the respondent. It is undisputed fact that the respondent is working as engineer at New Jersey, USA. It is undisputed fact that while the petitioner was in USA along with the respondent, out of their wedlock, they begotten one male child. It is undisputed fact that the petitioner's mother came to USA to look after the petitioner and child, post delivery. It is undisputed fact that when the petitioner was there in USA, child suffered skin problems and rashes were found. It is undisputed fact that the petitioner, her child and her mother returned to India on 20/11/2017. It is undisputed fact that after the petitioner came back to India on 20/11/2017, since then she is in her parental house and not went to USA. It is undisputed fact that the respondent has filed the divorce petition in Family Court, Bengaluru, in MC No. 4301/2018. It is undisputed fact that the divorce petition came to be allowed, which is challenged by the petitioner before the Hon'ble High Court of Karnataka by preferring appeal. It is not in dispute that the petitioner has filed criminal case against the respondent, his

parents and relatives for the offence punishable under Section 498-A of IPC and under Section 3 and 4 of D.P. Act. The Hon'ble High Court of Karnataka quashed the entire proceedings of the criminal case. Keeping all these undisputed facts in mind, now it is important to refer the prayer of the petitioner made in the petition filed under Section 12 of the PWDV Act. In her petition, the petitioner prayed to pass protection orders under Section 18 of PWDV Act and prayed to prohibit the respondent from committing any act of domestic violence, on the aggrieved person, from aiding or abetting the act of domestic violence, attempting to communicate in any form whatsoever with the aggrieved person including personal, oral or written or electronic or telephonic contact, alienating any assets, operating bank lockers or bank accounts used or held or enjoyed by both the parties, jointly by the aggrieved person and the respondent or singly by respondent, including her belongings or any other property held either jointly by the parties or separately by them without the leave of the court. The petitioner has prayed for residence orders under Section 19 of the PWDV Act and prayed to direct the respondent to allow the petitioner to stay in D.No. 1095, 9th Cross, 4th Main Road, 7th Block, HMT

Layout, Vidyaranyapura, Bengaluru, or for alternative accommodation with the same status or in the alternative get the ground floor portion of the premises vacated from the tenant. The petitioner prays for monetary relief under Section 20 of PWDV Act and prays to direct the respondent to pay monetary relief of Rs.5,00,000/- to meet the expenses and incurred and loss suffered by the aggrieved person as a result of domestic violence meted out by the respondent and to direct the respondent to pay maintenance to the tune of Rs.1,25,000/- per month to aggrieved person, which are under Section 20(1) and 20(1)(d) of PWDV Act. The petitioner also prayed to grant compensation and damages under Section 22 of PWDV Act for the mental torture and emotional distress caused by the acts of the domestic violence committed by the respondent to the tune of Rs.5,00,000/-.

23. In this appeal, the learned counsel for respondent vehemently argued that though the petitioner has not sought for the relief of maintenance to the child, the trial court granted maintenance of Rs.15,000/- per month. He argued that even though the petitioner sought for the relief to pay a compensation of Rs.5,00,000/- U/s. 22 of PWDV Act, the trial court has granted an amount of Rs.8,00,000/-, which is

illegal.

24. Since the respondent raised such contentions in this appeal, this court has to verify whether the petitioner has sought to pay maintenance for herself and her child or not. It is important to refer para No. 9 and 10 of petition filed by the petitioner under Section 12 of PWDV Act. In para 9 of the petition, the petitioner has stated that presently she is residing in her parental home in the address stated in the cause title. In the parental home, her aged parents, her two brothers, two sister-in-laws and their children are residing. Under these circumstances, she is not in a position to continue to stay in her parental home. Moreover, it is the duty of her husband to take care of the petitioner and her son by providing maintenance and shelter. In this regard the respondent has failed to provide shelter and therefore the petitioner has come up with this petition seeking prayer to allow the petition to live in the schedule premises. In para No. 10 of her petition, the petitioner has stated that she has got admitted minor son by name Ruthvik in Sindhi High School for LKG and annual fee in the school is Rs.1,00,000/-. The petitioner requires for her day-to-day expenses. Considering the status of the respondent, the petitioner is entitled to

Rs.1,25,000/- maintenance per month. Thus, on plain reading of para number 9 and 10 of her petition, the petitioner has clearly stated that maintenance amount is required for herself and her minor son [redacted]. She has clearly stated regarding her minor son got admitted in Sindhi High School for LKG and annual fee is required to pay is Rs.1,00,000/-. She also requires the amount for day-to-day expenses. Even though there is no separate prayer made by the petitioner in the prayer column to grant maintenance amount and towards educational expenses of her minor child, but in the body of the petition, she has stated regarding the necessity of the maintenance amount for educational expenses of her minor son as well as for the maintenance of herself and her son. The trial court considering the petition, arguments, oral evidence of PW1, RW1 and documents produced by them directed the respondent to pay maintenance of Rs.15,000/- per month to the child from the date of petition till he attained the age of majority. The respondent directed to pay Rs.1,62,000/- per annum towards educational expenses from the date of joining school till attaining majority, hence, the argument of the learned counsel for the respondent is that there is no prayer for

maintenance of the child. Hence, the trial court has erred in awarding maintenance to the child and awarding educational expenses of the child holds no water. There is a clear pleading on the side of the petitioner, who sought maintenance amount and school educational expenses of her child also.

25. It is pertinent to note that the petitioner in her petition made two prayers. One is for monetary relief under Section 20(1) of PWDV Act for Rs.5,00,000/- to meet the expenses incurred and loss suffered by the petitioner as a result of domestic violence meted out by the respondent. The petitioner also sought for compensation U/s. 22 of the PWDV Act for mental torture, emotional distress caused by the acts of the domestic violence committed by the respondent to the tune of Rs.5,00,000/-. The learned magistrate directed the respondent to pay an amount of Rs.8,00,000/- towards compensation to the petitioner. Even though the learned magistrate discussed regarding entitlement of the petitioner under Section 20 and 22 of PWDV Act, but not given finding whether the petitioner is entitled for the monetary reliefs under Section 20(1) of PWDV Act. The learned magistrate in operative portion directed the respondent to pay amount of Rs.8,00,000/- towards the compensation to the petitioner. In

the petition, the petitioner sought for the monetary relief of Rs.5,00,000/- under Section 20(1) of PWDV Act and Rs.5,00,000/- U/s. 22 of PWDV Act. Under such circumstances, the argument of the learned counsel for the respondent is that even though the petitioner sought for the relief to pay compensation of Rs.5,00,000/-, the trial court has granted amount of Rs.8,00,000/- which is illegal, is not acceptable. The petitioner has sought monetary relief of Rs.5,00,000/- towards loss suffered due to domestic violence and Rs.5,00,000/- towards mental torture, emotional distress caused by the act of domestic violence.

26. PW1 in her examination-in-chief, by reiterating the petition averments, has deposed that in the year 2016, respondent started to ill-treat her and even assaulted her at the time when she was three months pregnant. Due to the physical assault, the New Jersey police had come to their house and warned the respondent. It is true that the petitioner has not produced any documents to show that New Jersey police had come to the house and warned the respondent. PW1 has deposed that after delivery of the child, the respondent started to ill-treat her for no fault of her. Her mother was in USA with her to take care of her post delivery.

The respondent, for no reason had ill-treated her on ill-advise of his mother. The respondent also abusing her in the year 2017. She had returned to India as the child had developed rashes in the body, on the face and head. Subsequently the respondent had not received her back in USA. Since from the date of return to India, she is residing in her parental home along with her parents, her brothers and sister-in-laws. She has deposed that her in-laws is not allowing her to enter maternal home situated at Vidyaranyapura, Bengaluru. Even the invitation given by her father to her in-laws to come to their house to see the grandchildren same was not accepted by her in-laws. PW1 has deposed that in her parental home, her aged parents, her two brothers and two sister-in-laws are there and their children are residing in these circumstances, she is not in a position to continue to stay.

27. PW1 further deposed that she got admitted her minor son, [redacted], in Sindhi High School for LKG and now he is in first standard and annual fee in the school is Rs.1,00,000/-. She requires her day-to-day expenses and she is entitled to Rs.1,25,000/- per month as maintenance. She has deposed that the respondent is working as a project manager in Grid Sapien Corporation in New Jersey, USA, and

he is earning not less than Rs.10,00,000/- in Indian currency, and his earning in U.S.A. is in U.S. dollars. PW1 has deposed that the respondent has totally neglected her and refused to maintain her and subjected her to cruelty and domestic violence. In order to substantiate the contention taken by the petitioner, the documents Ex. P1 to Ex. P9 are marked through her.

28. During the course of cross-examination of PW1, she has deposed that she is a B.E. Electronics graduate. She has also done SAP course in USA. After her marriage, she was there in maternal home for seven days and thereafter she went along with the respondent to USA. She has admitted the suggestion that Hon'ble High Court of Karnataka quashed the charge sheet filed against the respondent, which was registered based on her complaint. She states that she has not lodged any complaint to the police in America, but her neighbor has given complaint. She has denied the suggestion that in USA, respondent had made several efforts to get the job to her. She has denied the suggestion that in USA she was not giving respect to the respondent and not preparing food to the respondent. She has deposed that as her child is suffering from skin problem, for that reason she returned to India, as

the respondent sent back her to India. She has denied the suggestion that the respondent has not given any ill-treatment to her in USA. She has admitted the suggestion that after September 2018, the respondent had not made any contact with her. She has admitted the suggestion that she has lodged complaint against the respondent only after the respondent filed divorce petition against her. She has admitted the suggestion that in order to return to India, the respondent himself made arrangement for flight tickets. She has denied the suggestion that she gave threat to the respondent saying that if he is not making arrangement of flight tickets, she would commit suicide. She has denied the suggestion that even though she is having every qualification needed to get the job, purposefully she has not went to any job. She has admitted the suggestion that the family court passed an order to give her maintenance of Rs.20,000/- per month. She has admitted the suggestion that for education of her son, she had spent sum of Rs.1,80,000/-. She has admitted the suggestion that she has made demand of Rs.1,75,000/- towards maintenance of her son. She has denied the suggestion that she has not disclosed her income in her assets and liabilities statement. She has denied the

suggestion that even though she is doing job, purposefully, she has concealed the same in the assets and liabilities statement. She has denied the suggestion that even though she is capable of earning Rs.3,00,000/- to Rs.4,00,000/- per month, she has filed this false petition against the respondent. She has denied all other suggestions made to her.

29. The respondent who has examined as RW1 in his affidavit filed in lieu of examination-in-chief has reiterated the objection statement. The documents Ex. R1 to Ex. R15 are marked. RW1 has deposed that he never tortured nor harassed the petitioner. The petitioner, who is taking undue advantage of his soft nature, has harassed him for no reasons, on the instigation of her parents. He has deposed that as a dutiful husband, he has put all his efforts to look after the petitioner in utmost comfortable zone, in all aspects. When the petitioner was residing with him in USA, the petitioner back-stabbed him for no fault on his part. He says that he neither deserted nor neglected the petitioner. The petitioner, who, on the instigation of her mother, flew back to India and even after coming to India never visited the marital house till filing of divorce case and even after several requests made by him to come and join in order to lead happy marital life.

30. During the course of cross-examination of RW1, he has admitted the suggestion that the petitioner, after return to India from America, she is staying along with her parents in her parental house. The petitioner is staying in her parental house from 21-11-2017. He has admitted the suggestion that after the petitioner returned to India, he has not given maintenance amount to the petitioner and his minor son. But he has deposed that as per the orders passed by the family court, he had paid maintenance amount of Rs.20,000/- per month. He has admitted the suggestion that the petitioner moved application before the Hon'ble High Court of Karnataka seeking maintenance to her son. He has admitted the suggestion that petitioner got admitted her son to Sindhi school to the first standard. He does not know regarding the particulars of school fee. He has deposed that he is having monthly salary of Rs. 3,37,845/-. He is not having any immovable properties. He has denied the suggestion that he is drawing salary of Rs.10,00,000/- per month. He pleaded his unawareness to the suggestion that the petitioner and her child requires at least sum of Rs.1,50,000/- towards their maintenance. He states that his father is a retired accounts officer. His father is getting the

pension. He has not given any maintenance amount towards his children after the petitioner returned to India from America. He has denied the suggestion that he has withheld the gold ornaments belongs to the petitioner. Thus, on perusal of the oral evidence of RW1, one thing is very clear that the respondent admitted the suggestion that he has not paid maintenance amount to the petitioner and her children after the petitioner returned to India from USA, except paying the maintenance amount as per orders passed by the family court.

31. No doubt, in this case, the petitioner has not produced any documents to show that the respondent physically assaulted her in USA when she was pregnant. The petitioner also not produced any documents regarding verbal abuse. The court cannot expect to produce the documents regarding verbal abuse. The trial court, while passing the impugned orders, rightly come to the conclusion that there is a domestic violence. On plain reading of Sec. 3 of PWDV Act, there are five types of domestic violence are mentioned. It may be physical abuse, sexual abuse, verbal abuse and emotional abuse and economic abuse. There is no hard and fast rule to prove all these five types of abuses. The definition under

Section 3(a) is an inclusive definition. It may be any one of the abuses. In order to show that there is a domestic violation, RW1, in his cross-examination, has clearly admitted the suggestion that after the petitioner returned to India from USA, he has not paid any maintenance amount to the petitioner and her child. It is now settled principle of law is that economic abuse includes deprivation of any economic or financial resources to which the victim is entitled under any law or custom, whether payable under an order of court or otherwise, or which the victim requires out of necessity, including but not limited to, household necessities for the aggrieved person and her children. It is not the defence of the respondent is that he has paid any amount to the petitioner and her child towards food, clothing, shelter, medicines, school expenses and for day-to-day needs of the petitioner and her child. Since RW1 respondent himself in his cross-examination admitted the suggestion that he has not paid any maintenance amount to the petitioner and her child after they returned to India from USA, that itself is sufficient to hold that there is economic abuse. Even though the petitioner has not produced any documents regarding assault made by the respondent, but PW1 in her oral evidence has clearly deposed

that while she was in USA along with respondent, he used to ill-treat her and subject her to cruelty both physically and mentally. Even though the petitioner has not produced documents to show the physical assault, but her oral evidence is sufficient to hold that she was subjected to mental harassment by the respondent. There are several types of verbal and emotional abuse. PW1 has deposed that when she was staying along with respondent in USA, the respondent abusing her and harassing her, subjected her to cruelty. While considering the petition U/s. 12 of PWDV Act, we cannot expect to produce documents regarding verbal and emotional abuse. Merely because petitioner has not produced the documents, it cannot hold that there was no verbal and emotional abuse. Even if it is presumed that there was no verbal and emotional abuse made by the respondent, but there is clear evidence of economic violence made by the respondent, which itself is sufficient to attract the provision U/s. 3 of PWDV Act. The trial court has rightly come to the conclusion that the petitioner has been in domestic relationship with the respondent. The trial court has rightly come to the conclusion that the petitioner was in a shared household along with respondent and she has been subjected

to domestic violence, neglected by the respondent. Merely because the family court has passed a divorce decree, that cannot be a ground to hold the petitioner is not entitled for the relief as sought by her. The divorce decree is subsequent orders.

32. The learned counsel for the respondent vehemently argued that the trial court in the impugned order held that the degree of abusive language used by the petitioner is higher than the respondent. Even if it is presumed that the petitioner has used some objectionable language against the respondent, that itself not gives license to the respondent to use abusive language against the petitioner. It is true that the family court by considering that the petitioner subjected the respondent to cruelty, granted divorce decree. That does not absolve the respondent. The very finding given by the trial court is that the language used by the respondent compared to petitioner is lower side, indicates that the respondent also used some abusive words on petitioner.

33. Since there is a clear evidence of economic abuse and emotional abuse, the trial court has rightly come to the

conclusion that there is a domestic relationship with the respondent and the petitioner has been subjected to domestic violence and neglected by the respondent. Hence point No.2 is answered in the **negative**.

34. Prior to proceed further, it is important to refer the assets and liabilities statement submitted by the petitioner as well as the respondent. The petitioner in her assets and liabilities statement has mentioned regarding her qualification as B.E and she is residing at her parental home No. 226 R.T. Street, Sheshadripuram, Bengaluru. She has submitted that a sum of Rs.50,000/- required by her towards medical expenses, school fee, household expenses to herself and her child. She has mentioned regarding legal proceedings such as filing of divorce petition in MC No. 4301 of 2018 filed by the respondent wherein interim maintenance of Rs.20,000/- is awarded. She has also mentioned regarding challenging the interim orders by filing W.P.No. 8217 / 2020 before the Hon'ble High Court. She has also mentioned regarding filing of criminal case in Cr.No. 123 / 2019 for the offence under Section 498-A read with Section 34 of IPC and 3 and 4 of D.P. Act. She has also mentioned regarding the charge sheet filed in C.C.No. 19910 / 2019 quashed by the Hon'ble High Court

in Criminal Petition No. 7457 / 2019. The petitioner in her assets and liabilities also stated regarding she needs medical expenditure for her child. She has spent sum of Rs.1,04,500/- for admission of her child to the school, school fee for class of LKG. Vaccination was also done by spending a sum of Rs.5,000/-. She has clearly stated that she has no source of income and she is unemployed. She do not have any assets such as immovable and movable in her name. She has also given the details of the income of the respondent as he is working as project manager in Grid Sapien Corporation in New Jersey, USA and he is earning Rs.10,00,000/- in Indian currency. She has also mentioned regarding the respondent owning house jointly with his mother in Vidyaranyapura, Bengaluru, consisting of two houses in which in first floor her in-laws are living and the ground floor house let out for tenants for Rs.20,000/- per month. The respondent is also owning a Honda Civic car at USA. He has purchased the house property by taking loan from Syndicate Bank. Thus, on perusal of the assets and liabilities statement of the petitioner, she has clearly mentioned in assets and liabilities statement is that she is not owning any assets of movable or immovables in her name. She is unemployed and having no

source of income. She has stated the respondent who is working as a project manager in Grid Sapien Corporation in New Jersey, USA he is earning a sum of Rs.10,00,000/- in Indian currency, is also having own house jointly with his mother in Vidyaranyapura and also owning Honda Civic car at USA. She has also stated regarding the respondent purchased the house property by borrowing a loan from Syndicate Bank.

35. Now coming to the assets and liabilities statement submitted by the respondent, is concerned. He mentioned his qualification as B.E (Civil), M.S (Civil). The general monthly expenses are mentioned as household expenses Rs.10,000/-, medical insurance Rs.9,000/-, transportation Rs.10,000/-, home loan repayment Rs.1,61,000/-, insurance Rs.1,500/-, home rent Rs.1,10,000/-, litigation expenses Rs.10,000/-, personal and miscellaneous expenses Rs.2,000/-. He has mentioned the expenses incurred on dependents as approximately Rs.3,96,250/- per month. He has mentioned his voluntary contribution towards child vaccination Rs.2,43,000/-. His monthly income is mentioned as Rs.3,37,845/-. His home loan is stated as Rs.1,90,00,000/-. EMI is mentioned as Rs.1,61,000/- per month. Out of home

loan Rs.1,90,00,000/- he has repaid Rs.20,00,000/-. He has stated that petitioner is B.E (Electronic and Communication) graduate. She is residing along with her parents, brothers, sister-in-laws. She is having ancestral property i.e., residential building in which she is having ¼ share. There are 3 residential sites measuring 30 x 40 feet, 2 residential sites measuring 40 x 60 feet. Her father getting pension and rental income of Rs.4,80,000/-. Thus, on perusal of the assets and liabilities statement filed by the respondent, even though he has stated regarding the educational qualification of the petitioner, according to him the petitioner was not doing any job as on the date of filing the assets and liability. The respondent has not stated anything about whether the petitioner is having her exclusive property in her name. That means the petitioner is not having her exclusive immovable properties. According to the respondent, he is getting income of Rs.3,37,845/- per month. It is pertinent to note that even though the respondent has mentioned his income as Rs.3,37,845/- per month, but he has not produced his salary slip in order to show his exact salary. In other words, the respondent has suppressed regarding the actual salary by not producing the salary certificate issued by his employer.

36. In this petition filed by the petitioner, she has sought protection orders under Section 18 of PWDV Act, residential orders under Section 19 of PWDV Act, monetory relief under Section 20 of PWDV Act, compensation and damages under Section 22 of the Act. The learned Magistrate has directed the respondent to pay maintenance of Rs.15,000/- per month to the child from the date of petition till he attains the age of majority and directed to pay a sum of Rs.1,60,000/- per annum towards the educational expenses from the date of joining the school till attaining the majority. The respondent is directed to pay an amount of Rs.8,00,000/- towards compensation to the petitioner. The learned counsel for the respondent much argued regarding even though the petitioner has not sought maintenance to the child, the trial court has illegally passed an order to pay maintenance such argument of the learned counsel for the respondent is not acceptable because as this court already observed that the petitioner in her petition filed under Section 12 of PWDV Act in para No. 9 and 10 has clearly stated regarding she requires amount towards school fee of her minor son and regarding day-to-day expenses for her and her child. Even though there is no specific prayer in the prayer column seeking to award

maintenance to the child, but as there is a clear mention in the petition of the petitioner for her requirement of maintenance for herself and her child, the trial court is having every power to grant maintenance to the child and educational expenses of the child.

37. The learned counsel for the respondent much argued regarding the divorce decree passed against the petitioner by the family court. The learned counsel for the petitioner rightly submitted that even there is a divorce decree which was awarded during the pendency of the petition, it will not affect this petition filed under Section 12 of PWDV Act. The provision under Section 26(1) of the Act is very clear that all proceedings under sections 12 any relief available under Section 18, 19, 20, 21, 22 may also be sought in any legal proceedings before civil court, family court or criminal court affecting the aggrieved person and the respondent where such proceeding was initiated before or after the commencement of this Act. Sub-section (2) Any relief referred to under sub-section (1) may be sought for in addition to and along with any other relief that the aggrieved person may seek in such suit or legal proceedings before a civil or criminal court. Sub-section (3) In case any relief has been any relief has been

obtained by any aggrieved person in any proceedings other than the proceedings under this Act, she shall be bound to inform the Magistrate of the grant of such relief. The provision under Section 28(2) of PWDV Act is very clear, Nothing in sub-section (1) shall prevent the court from laying down its own procedure for disposal of an application under section 12 or under sub-section (2) of section 23. On plain reading of Section 26, 28 and of PWDV Act, one thing is very clear that even though there is no prayer sought for maintenance of child in prayer column, the court can lay down its own procedure for disposal of an application under Section 12 of the PWDV Act. More than that, as this Court noted that there is a clear pleading in para No. 9 and 10 of the petition filed under Section 12 of PWDV Act, wherein she has stated regarding requirement of maintenance towards expenses incurred towards herself and her child.

38. The learned counsel for the respondent vehemently argued that the petition filed by the petitioner under Section 12 of PWDV Act is barred by limitation. He argued that the petitioner has filed the petition after 4 years from the date of separation and after the respondent filed a divorce petition against her. The argument of the learned

counsel for the respondent is that the petition is barred by period of limitation is not acceptable. The learned magistrate rightly came to the conclusion that the provision under Section 468 of Cr.P.C. provide for limitation in criminal case, not applies to the petitions filed under Section 12 of PWDV Act. The learned magistrate referred the judgment of Hon'ble Apex Court in the case of ***Kamatchi V/s Lakshmi Narayan*** reported in **2022 Live Law SC 370**, wherein the Hon'ble Supreme Court of India held that an application filed under Section 12 of the Act is not a complaint as per Section 2 of CrPC. The finding given by the learned magistrate that the petition is not barred by limitation is tenable. Hence the argument of the learned counsel for the respondent is that the petition is barred by period of limitation is not acceptable.

39. The petitioner in the petition has sought for protection orders under Section 18 of PWDV Act. The petitioner prays to pass protection order under Section 18 of PWDV Act in her favour by prohibiting the respondent from committing any act of domestic violence on the aggrieved person; from aiding or abetting the act of domestic violence; attempting to communicate in any form whatsoever with the aggrieved person, including personal, oral or written or

electronic or telephonic contact, restraining respondent from alienating any assets, operating bank lockers and bank accounts used or held or enjoyed by both the parties jointly by the aggrieved person and the respondent or singly by the respondent, including her belongings or any other property held either jointly by the parties or separately by them without the leave of the court. The learned magistrate declined to grant protection orders to the petitioner as per finding given in para 44 of impugned orders. On perusal of the finding given by the learned magistrate in para 44 of the impugned judgment, the learned magistrate has not given any finding regarding the prayer of the petitioner in order to prohibit the respondent from committing any act of domestic violence, from aiding or abetting the act of domestic violence, attempting to communicate in any form whatsoever with the aggrieved person, including personally, orally or written or electronic or telephonic contact. The learned magistrate only given finding regarding prayer (d) and held that there is nothing pleaded and she has not narrated that the respondents are committing domestic violence even after coming to Bengaluru city. The petitioner did not narrate why she need such relief whether her jewels or valuables is in

such lockers and she need custody of the same. No doubt in this petition, the petitioner has not pleaded regarding whether she is having valuables in joint locker, but PW1 in her petition as well as her oral evidence has clearly stated regarding the mental harassment given by the respondent. PW1 in her examination-in-chief has deposed that the respondent for no reasons had ill-treated her and also abusing her. After she returned to India, the respondent had not received her back in USA and she is forced to live in her parental home. PW1 has deposed that respondent totally neglected her, refused to maintain her and harassed her, subjected her to cruelty and domestic violence. Hence she also prayed for protection orders. Even though in this case there is no proof of physical assault or physical abuse made by the respondent, but since the petitioner herself in her oral evidence clearly stated that the respondent has given her ill-treatment and abused her, that itself is sufficient to the petitioner to get protection orders. Even though the petitioner is not residing along with respondent in USA, but in this digital era, harassment to any person can be possible through digital mode also. The petitioner prayed to prohibit the respondent from attempting to communicate in any form whatsoever with the aggrieved

person, including personal, oral, written, electronic or telephonic contact. The maintenance orders is passed. The Hon'ble High Court also directed to pay the maintenance to the petitioner and child. Under such circumstances, there is every chance of the respondent communicate in writing or in electronic or in telephonic contact. Hence this court of the opinion that the petitioner is entitled for protection order in order to prohibit the respondent to commit any act of domestic violence on the petitioner and attempt to communicate in any form whatsoever with the aggrieved person, including personal, oral, written, electronic and telephonic contact in order to cause domestic violence.

40. The petitioner has sought for the relief of residence orders under Section 19 of PWDV Act. The learned magistrate, by giving finding in para 45 of the impugned judgment, declined to grant residence orders. Admittedly, the MC petition filed by the respondent came to be allowed. The family court granted divorce. The petitioner has challenged the same by preferring Appeal before the Hon'ble High Court of Karnataka. Until the Hon'ble High Court sets aside the divorce decree, it cannot be held that the petitioner and respondent can live in a shared household. The learned

magistrate in para 45 of the judgment observed that, as per the own admission of PW1 in her cross-examination, she resided in Bengaluru only two days after her marriage. Hence such duration cannot be considered as a shared household. The learned magistrate also further held that the Hon'ble Apex Court has held that a woman after obtaining divorce cannot claim right to residence. Such finding given by the learned magistrate cannot find a fault. Since there is a divorce decree, the petitioner is not entitled to claim to reside in the house of the respondent, situated at Vidyaranyapura. Hence this Court is of the opinion that the petitioner is not entitled for the residential orders as prayed in the petition.

41. With regard to granting of compensation of Rs.8,00,000/- by the trial court in favour of the petitioner is concerned, this Court already observed that the petitioner has sought monetary relief under Section 20(1) of PWDV Act, directing the respondent to pay monetary relief of Rs.5,00,000/- to meet the expenses incurred and losses suffered by the petitioner and she has also sought compensation under Section 22 of PWDV Act, praying to direct the respondent to pay a compensation and damages for the mental torture and emotional distress caused by the act

of domestic violence committed by the respondent to the tune of Rs.5,00,000/-. The learned magistrate, by considering the agony which she has undergone in maternal home by the respondent and suffering which she is facing till date, opined that the petitioner is entitled to a compensation of Rs.8,00,000/- from the respondent. The said compensation is in addition to the compensation if she is awarded in any court. Since the petitioner has sought for monetary relief and compensation amount total amount of Rs.10,00,000/-, this Court is of the opinion that the compensation amount of Rs.8,00,000/- granted by the trial court is not exaggerated and not beyond the prayer sought by the petitioner.

42. In the appeal filed by the petitioner, she has prayed for enhancement of compensation amount to Rs.15,00,000/- for physical, mental and economic offense suffering under Section 22 of the PWDV Act, but there is no sufficient ground made out by the petitioner to enhance the compensation amount to Rs.15,00,000/-. The compensation amount of Rs.8,00,000/- awarded by the learned magistrate is correct. No interference is required at the hands of this Court in awarding compensation of Rs.8,00,000/- by the learned magistrate.

43. In appeal filed by the petitioner in Criminal Appeal No. 961 / 2025, the petitioner has sought for maintenance at the rate of Rs.1,00,000/- per month in view of her financial dependency and lifestyle. On the other hand, the respondent who filed Criminal Appeal No. 903 / 2025 prayed for dismissal of the petition in Criminal Miscellaneous No. 67 / 2021. On perusal of the impugned judgment passed by the learned magistrate, the learned magistrate has declined to grant maintenance amount to the petitioner on the ground that she is well qualified and she can do the job and earn the income. The learned counsel for the petitioner has relied on several judgments referred above in para No. 16 and 17 of this judgment. The learned counsel for the respondent also relied on the several judgments which are referred in para 18 of this judgment, while noting down the arguments addressed by the learned counsel for the petitioner and learned counsel for the respondent.

44. The learned counsel for the petitioner relied on the judgment of the Hon'ble Supreme Court in ***Shailja and another Vs. Khobbanna*** reported in (2018) 12 SCC 199, wherein it is held that there is distinguish between a person being capable or earning and a person cannot by itself justify

denial or reduction of maintenance. He also relied on the judgment of Hon'ble Supreme Court reported in ***Rajnesh Vs. Neha and another*** reported in (2021) 2 SCC 324 to contend that the denial of maintenance to the petitioner merely because she is educated and capable of earning is contrary to the settled law. He argued that the petitioner is having minor child. She has to look after the child. Hence it is very difficult for her to do any job for earning. On the other hand, learned counsel for the respondent argued that the petitioner, without any valid reasons, living separately. He argued that there is no domestic violence made against the petitioner by the respondent. The family court granted divorce on the ground of cruelty by the petitioner against the respondent. He argued that since the petitioner is well qualified, she cannot keep idle and cannot live basing on the maintenance received from her husband. Learned counsel for the respondent relied on the judgment of Hon'ble High Court of Karnataka between ***Shilpashree J. M. Vs. Gurumanjunatha A. S***. reported in 2023 SCC Online Kar 36, he relied on the judgment of Hon'ble High Court of Madhya Pradesh in the case of ***Sikha Vs. Avaneesh Mahodaya*** reported in 2024 SCC MP 5791. He relied on the judgment of Hon'ble Supreme Court of India in

the case of ***Rohtash Singh Vs. Ramendri*** reported in (2000) 3 SCC 180. He relied on the judgment of Hon'ble High Court of Kerala in RPFC No.207/2020 reported in 2025 Live law (Ker) 191. He relied on the judgment of Hon'ble Supreme Court of India in the case ***Rajnesh Vs. Neha*** reported in (2021) 2 SCC 324. He also relied on the judgment of Hon'ble Supreme Court of India in the case between ***Padmja Sharma Vs. Ratan Lal Sharma*** reported in (2000) 4 SCC 266.

45. I have appreciated the rival contentions and perused the entire records. Admittedly, as on the date of filing of this petition, the petitioner was unemployed and not having any job. Even in the assets and liability statement of the respondent, he neither mentioned that she is having any job and earning any income or having any exclusive properties so as to earn income. Thus one thing is very clear that the petitioner was unemployed. The trial court records show that while addressing the arguments, the learned counsel for the respondent has produced certain photographs, LinkedIn profile and Facebook profile photos, and contended that the petitioner is working in [redacted]. The learned counsel for the respondent not submitted what was the actual income of the petitioner by

doing the job in private limited company. The learned magistrate rightly held that the documents produced by the learned counsel for the respondent at the time of arguments cannot be relied. Even if it is presumed that the petitioner has joined some job after 2023, then also it cannot be held that the petitioner is having sufficient income so as to maintain herself and her child.

46. I have gone through the decisions cited by the learned counsel for the petitioner and the learned counsel for the respondent. There is no dispute regarding the principles laid down by the Hon'ble Supreme Court of India and Hon'ble High Courts in the decisions cited by the learned counsels for the petitioner and respondent, respectively. While considering the point whether the maintenance amount has to be awarded or not, the Court has to consider earning capacity of the respondent husband, the need and necessity of the maintenance amount to the petitioner and her child, the lifestyle and for basic necessity. The petitioner has to look after her minor child. Even if she joins any job based on her qualification, she has to balance the work and life. She has to attend the call of her minor child. Even if it is presumed that she would be free when child goes to the school, but soon

after the child returns to the home from school, she has to attend the child till child attain the age of majority. The respondent in assets and liabilities statement itself stated that he is having salary of Rs.3,37,845/- per month. Admittedly, the respondent is working in USA and earning the income in dollars. The respondent has not produced his salary certificate to show his exact income, thereby he has suppressed to disclose his actual income. It is admitted fact that the respondent's father is a retired employee. He is getting pension of Rs.58,000/- per month. The respondent himself in his cross-examination stated that his father is getting pension of Rs.58,000/-. But, in order to misrepresent the court, the respondent in his assets and liabilities statement mentioned that expenses incurred on dependents is Rs.3,96,250/-. The respondent's father has properties in Mysore and Bengaluru. The respondent's father residing in their own house. Under such circumstances, it cannot be held that the respondent is having burden to look after any of his dependents. The respondent being the husband of the petitioner even after divorce is liable to pay the maintenance to the petitioner and her child. No doubt petitioner cannot claim the maintenance amount to the extent of forty percent

income of the respondent. But usually the Court can grant maintenance to the extent of 20% of the income of the respondent. Even if we calculate the salary of the respondent as Rs.3,37,845/-, 20% percent of the same can be calculated as Rs.67,000/- per month. Merely because the petitioner is having qualification of B.E and also done SAP course in USA, that cannot be ground to deny her to pay maintenance by the respondent. The Hon'ble High Court also granted maintenance amount of Rs.20,000/- to the petitioner and Rs.10,000/- to the child. Since the petition was allowed by Family Court and decree of divorce is granted, the Family Court has not granted maintenance in the final orders, the child is in custody of the petitioner, she has to take care of the child. The mother who has custody of child not only has to spend money on the upbringing of the child but also spending substantial time and efforts in bringing up the child. We cannot calculate the same in terms of money. Since the petitioner has to look after the child, even she can do the job, in the same time she has to look after the child also which adversely affect her job opportunity also. Considering the facts and circumstances of the case, this Court of the opinion that the petitioner is entitled to maintenance amount of

Rs.20,000/- per month till her lifetime or remarriage. This amount of maintenance can be adjustable or set off, if any other forum awards maintenance in favour of the petitioner. The finding given by the trial court declining the petitioner to grant maintenance is not sustainable. This Court is of the opinion that the petitioner is entitled to maintenance of Rs.20,000/- per month from the respondent.

47. So far as the enhancement of maintenance of the child is concerned, in the appeal memo, the petitioner prays to confirm the maintenance to the minor child at the rate of Rs.15,000/- per month and educational expenses of Rs.1,60,000/- per annum, as already directed by the trial court. But while addressing the arguments, the learned counsel for the petitioner prays for enhancement of maintenance to the minor child. Since there is no prayer in the appeal memo for enhancement of the maintenance of the child, the argument of the learned counsel for the petitioner is not acceptable.

48. Regarding the educational expenses of Rs.1,60,000/- granted by the learned Magistrate is concerned, PW1 in her petition as well as in her examination-

in-chief has clearly deposed regarding the educational expenses to be incurred by her in view of education of her child who admitted to the school. During the course of cross-examination of PW1 by the learned counsel for the respondent, PW1 has denied the suggestion that according to her in all Rs.1,25,000/- requires towards the educational expenses. During the course of cross-examination of PW1, the respondent has not denied her examination-in-chief version regarding the educational expenses to be borne by her towards education of her child. PW1 has deposed that she got admitted her minor son [redacted] in Sindhi High School for LKG and now first standard and annual fee in the school is Rs.1,00,000/-. This version of PW1 is not seriously disputed by the respondent in her cross-examination. In addition to the school fee, the petitioner shall bear expenses towards transportation, uniform, shoes, other courses for curricular activities. Hence this court is of the opinion that the educational expenses of Rs.1,60,000/- per annum awarded by the learned Magistrate is reasonable and correct. In view of the above findings given by this court, the petitioner is entitled for protection orders under Section 18 of the PWDV Act. The petitioner is entitled for maintenance of Rs.20,000/-

per month from the date of petition. No interference is required regarding the maintenance amount of Rs.15,000/- awarded to the child and amount of Rs.1,60,000/- per annum awarded to the educational expenses of the child and amount of Rs.8,00,000/- towards compensation to the petitioner. Hence this court is of the opinion that the orders passed by the learned Magistrate in Criminal Misc No. 67 / 2021 shall be modified to the extent as answered above, the appeal filed by the petitioner by appellant in Criminal Appeal 961 / 2025 is to be allowed. There is no sufficient grounds made out by the respondent to allow appeal filed in Criminal Appeal No. 903 / 2025. In view of my above finding I answer point No. 2 in the **negative**, point No. 3 **partly in the affirmative**, point No. 4 in the **negative.**

49. **Point No. 5** :- In view of my finding on point No. 1 to 4, I proceed to pass the following:-

ORDER

IA No. 1 filed by the appellant / petitioner in Criminal Appeal No. 961 / 2025 is allowed. The delay in preferring the appeal is condoned.

The appeal filed by the appellant / respondent in Criminal Appeal No. 903 / 2025 is hereby dismissed.

The appeal filed by the appellant / petitioner in Criminal Appeal No. 961 / 2025 is partly allowed.

The orders passed by the learned JMFC (Traffic Court-IV) Bengaluru in Criminal Misc No. 67 / 2021 is modified. The maintenance orders of Rs.15,000/- per month and Rs.1,60,000/- per annum towards educational expenses of the child awarded by the learned JMFC (Traffic Court-IV) Bengaluru is confirmed. The compensation amount of Rs.8,00,000/- awarded to the petitioner is also confirmed.

The petitioner is entitled for protection orders under Section 18 of PWDV Act and maintenance orders under Section 20 of PWDV Act. It is hereby prohibited the respondent from committing any act of

domestic violence on the petitioner. It is hereby prohibited the respondent from attempting to communicate in any form whatsoever with the petitioner including personal, oral, written, electronic or telephonic contacts, so as to commit any act of domestic violence against the petitioner.

It is hereby directed the respondent to pay maintenance amount of Rs.20,000/- per month from the date of petition filed in Criminal Misc No. 67 / 2021 till the lifetime of the petitioner or her remarriage. The respondent is entitled for set off or deduction of maintenance amount payable to the petitioner, if he paid the maintenance amount to the petitioner in any other proceedings.

It is made clear that so far as the maintenance amount granted to the child is concerned, it is in addition to the maintenance granted to the child in any other proceedings.

Serve one set of free copy of judgment to the petitioner and respondent.

Send copy of this protection orders to the jurisdictional police for necessary action.

Keep original in Crl.A.No.961/2025 and copy of this judgment in Crl.A.No.903/2025.

Send back T.C.R.

(Dictated to Stenographer Grade III in part Senior Sheristedar in part, typed and transcribed by them, corrected and then pronounced by me in the open court on this the 28rd OCTOBER, 2026).

(MOHAN PRABHU)
LV Addl. City Civil & Sessions Judge,
Bengaluru. (CCH-56)

Common judgment pronounced in the open court

[vide separate detailed order]

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personal, oral, written, electronic or telephonic contacts, so as to commit any act of domestic violence against the petitioner.

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It is made clear that so far as the maintenance amount granted to the child is concerned, it is in addition to the maintenance granted to the child in any other proceedings.

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(MOHAN PRABHU)
LV Addl. City Civil & Sessions Judge,
Bengaluru. (CCH-56)