



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF JUNE, 2023

BEFORE

THE HON'BLE MR JUSTICE RAJENDRA BADAMIKAR

CRIMINAL REVISION PETITION NO.1324 OF 2015

BETWEEN:

1.

2.

...PETITIONERS

(BY SRI. JAVEED S, ADVOCATE)

AND:

1.

2.

3.





4.

...RESPONDENTS

(BY SRI. G.S. PATIL., ADVOCATE)

THIS CRL.RP IS FILED U/S.397 R/W 401 OF CR.P.C PRAYING TO SET ASIDE THE ORDER DATED 07.11.2015 PASSED BY THE LEARNED LXVI ADDL. CITY CIVIL AND S.J., BANGALORE, IN CRL.A.NO.1392/2014, PRODUCED HERETO AS ANNEXURE-A.

THIS PETITION COMING ON FOR HEARING THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The petitioners, who are the wife and child have filed this revision petition under Section 397(1) r/w Section 401 of Cr.P.C. challenging the order in Crl.A.No.1392/2014 passed by the LXVI Additional City Civil & Sessions Judge, Bangalore, reducing the maintenance granted to petitioner No.1 from Rs.10,000 to Rs.5000/- and compensation from Rs.3,00,000 to Rs.2,00,000/-.

2. The brief factual matrix leading to the case are that, the petitioners have filed the petition under Section 12 of the Protection of Women from Domestic Violence



Act, 2005 against the respondent-Husband claiming the maintenance and compensation. The petition was contested by the respondent-Husband and maintenance of Rs.10,000/- was awarded to petitioner No.1 and Rs.5,000/- was awarded to petitioner No.2 along with compensation of Rs.3,00,000/- for mental agony.

3. Being aggrieved by this, the respondents filed an appeal before the learned LXVI Additional City Civil & Sessions Judge and matter was heard in Crl.A.No.1392/2014 and the learned Sessions Judge reduced the maintenance from Rs.10,000 to Rs.5000/- so far as it relates to petitioner No.1 and it has reduced the compensation from Rs.3,00,000 to Rs.2,00,000/-. Being aggrieved by this order, the petitioners i.e., wife and children are before this Court.

4. Heard the learned counsel for the petitioners. Learned counsel for the respondents is absent. Perused the records.



5. The learned counsel for the petitioners would contend that the compensation awarded is meager one and the appellate Court without any proper reasonings has reduced the maintenance from Rs.10,000/- to Rs.5000/- and further reduced compensation from Rs.3,00,000/- to Rs.2,00,000/-. He would contend that the petitioners are incapable of maintaining themselves and sought for restoring the order of the learned Magistrate.

6. Having heard the arguments and having perusing the records, it is evident that the petitioners have filed the petition under Section 12 before Metropolitan Magistrate Traffic Court III, Bengaluru and after appreciating the oral and documentary evidence, the learned Magistrate has awarded Rs.10,000/- for petitioner No.1 and Rs.5,000/- to petitioner No.2 as maintenance with Rs.3,00,000/- as compensation. The said order came to be challenged by the respondents and appeal came to be allowed in part. The learned Sessions Judge without considering the evidence in proper perspective has



reduced the compensation from Rs.3,00,000/- to Rs.2,00,000/- and also reduced the maintenance amount granted to petitioner No.1 from Rs.10,000/- to Rs.5,000/-.

7. On perusing the records it is evident that, the present petitioner No.2 is also made as a party. However, it is evident that the petitioners are not aggrieved by the order of the learned Magistrate by granting maintenance of Rs.10,000/- and Rs.5,000/- respectively to the petitioner Nos.1 & 2. The maintenance awarded to petitioner No.2 is confirmed by the appellate Court.

8. The records also disclose that before marriage petitioner No.1 was working as is evident from her cross-examination. Her cross-examination also reveals that she was residing along with her mother. It is also evident from her admission that, even after her desertion she continued to stay in the rented house along with her mother itself and the allegation does establish that she was not interested to stay with respondent Nos.2 to 4. It is an admitted fact that at the instance of the present petitioner



No.1, a separate house was taken on rent and now the petitioners i.e., wife and child are residing therein along with her mother, but she was reluctant to stay with her mother-in-law and unmarried sister-in-law. It is an admitted fact that respondent No.1-husband is running provision stores. Further, he is having responsibility of taking care of his mother and unmarried sister. Admittedly, the petitioner No.1 was working prior to her marriage and it is asserted that after marriage she resigned the said job. But, there is no explanation as to why she is incapable of working now. She is not supposed to sit idle and seek entire maintenance from her husband and she is also legally bound to make some efforts to meet her livelihood and she can seek only supportive maintenance from her husband.

9. Looking to the above facts and circumstances and considering the conduct of petitioner No.1, the order of maintenance awarded by the First Appellate Court by reducing from Rs.10,000/- to Rs.5,000/- does not call for



any interference. As regards compensation amount, there is no material evidence as to on what basis the compensation was quantified. However, it was not challenged and question of interfering with the said order does not arise at all.

10. Looking to these facts and circumstances, the petition being devoid of any merits does not survive for consideration and accordingly, it is rejected.

Sd/-
JUDGE

DS
List No.: 1 SI No.: 22