HC-KAR
CNR: KAHC010347542025

NC: 2026:KHC:37398
CRL.RP No. 843 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL REVISION PETITION NO.843 OF 2025

BETWEEN:

1. SURAJ SRIRAM
   S/O SRIRAM SHESHADRI
   AGED ABOUT 30 YEARS

2. KRUPA SRIRAM
   W/O SHRIRAM SHESHADRI
   AGED ABOUT 55 YEARS

3. SRIRAM SHESHADRI
   S/O A.V. SHESHADRI
   AGED ABOUT 63 YEARS

   ALL ARE R/AT FLAT NO.301
   SHANDSHREE, 6TH APTS
   SLV LAYOUT, BESIDES CLUB
   MYSORE ROAD, NAYANDAHALLI
   BENGALURU-560 039.

Digitally signed by DEVIKA M
Location: HIGH COURT OF KARNATAKA

...PETITIONERS

(BY SRI. R.S.PRASANNA KUMAR, ADVOCATE)

AND:

1. VIJAYASHREE R.,
   D/O RAMAKANTHA D,
   W/O SURAJ SRIRAM
   AGED ABOUT 30 YEARS
   R/AT NO-9, GODHANIWAS

3RD STAGE, 4TH BLOCK
TEACHERS COLONY
BASAVESHWARNAGAR
BENGALURU-560 079.

…RESPONDENT

(BY SRI. SUHAS G., ADVOCATE)

THIS CRL.RP IS FILED UNDER SECTION 397 R/W 401 OF CR.P.C PRAYING TO SET ASIDE THE JUDGMENT DATED 03.05.2025 PASSED BY THE COURT OF THE LXV ADDI.CITY CIVIL AND SESSIONS JUDGE (CCH-66) AT BENGALURU IN CRIMINAL APPEAL NO.1651/2024 AND ALSO CONFORM THE ORDER DATED 12.09.2024 BY THE COURT OF THE 5TH MMTC, BENGALURU CITY, IN CRL.MISC NO.146/2023.

THIS PETITION COMING ON FOR ADMISSION THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

Heard learned counsel for the petitioners and learned counsel for the respondent in Crl.R.P.No.843/2025.

2. The respondent also filed Crl.R.P.No.1013/2025 against quantum of compensation awarded by the First Appellate Court in a sum of Rs.10,000/- per month and this Court dismissed the petition on the ground that office

objections were not complied with though the matter was listed fourth time for non-compliance of office objections. The counsel also filed I.A.No.1/2026 for condonation of delay of 171 days in filing recalling application and I.A.No.2/2026 for recalling the order dated 15.12.2025. Hence, no reason to restore the revision petition by condoning the delay and to recall the order dated 15.12.2025 and the same are dismissed.

3. Having considered Crl.R.P.No.843/2025, learned counsel appearing for the revision petitioners would vehemently contend that order passed by the First Appellate Court is erroneous. The counsel would submit that the declared income of the revision petitioner No.1 is Rs.45,000/- per month and he is having aged parents and he has to take care of them also. The counsel would further submit that respondent-wife is qualified and doing tuition and the same is taken note of by the Trial Court while passing the order rejecting the claim for interim-maintenance, made an observation that on perusal of the said Linkedin Profile, it shows that being number of student is one and hourly fees is Rs.500/-, she can maintain herself by

doing tuition and the said reasoning was challenged before the First Appellate Court.

4. The First Appellate Court considering the grounds which have been urged in the appeal, in paragraph No.10, comes to the conclusion that respondent No.1 is earning Rs.45,000/- per month and he is able to pay maintenance as from the assets and liabilities filed by respondent No.1, there is no financial burden on the respondent No.1, so as to face difficulty to pay the interim-maintenance. It is observed that it is the duty of the husband to maintain the wife though the wife is well qualified, as of now, she is unemployed and she is unable to take care of herself and she is depending upon her father for her livelihood and for her personal expenses.

5. Learned counsel for the petitioners would contend that the reasoning of the First Appellate Court is erroneous. The counsel would submit that when she is earning by doing tuition, question of payment of maintenance does not arise. The counsel also would submit that awarding of interim-maintenance of Rs.10,000/- as against his declared income of

Rs.45,000/- per month is exorbitant and the same requires to be set aside.

6. Per contra, leaned counsel for the respondent brought to notice of this Court that Trial Court rejected I.A.No.1 in coming to the conclusion that wife is also doing tuition and earning and the said reasoning was challenged before the First Appellate Court and the First Appellate Court reversed the same in paragraph Nos.9 and 10 and in paragraph No.9 taken note of affidavit of assets and liabilities which was declared by the petitioner No.1 herein and the contention that petitioner No.1 is also taking care of his parents cannot be a ground to avoid interim-maintenance. The counsel would submit that father is a pensioner and he is getting pension and hence, awarding of interim-maintenance of Rs.10,000/- per month to the respondent-wife is not exorbitant as contented by learned counsel for the petitioners and counsel would submit that the revision petition filed by the respondent-wife is also dismissed for want of non-compliance of office objections. Hence, this Court has to take note of said fact into consideration.

7. Having heard learned counsel for the petitioners and also learned counsel appearing for the respondent, no dispute with regard to relationship between the husband and wife and petition was also filed in the year 2023 and an application was filed before the Trial Court claiming interim-maintenance of Rs.20,000/- per month and the same was rejected by the Trial Court only on the ground that she is also educated and qualified and she can earn by doing tuition and the said reasoning was set aside by the First Appellate Court and in paragraph No.10, the First Appellate Court taken note that it is the duty of the husband to maintain the wife, though the wife is well-qualified, as of now, she is unemployed and she is unable to take care of herself and the fact that she is unemployed is also not disputed by the petitioners and only contention is that she is doing tuition and collecting an amount of Rs.500/-, but there is no detail as to how much she is earning by doing tuition. Apart from that, she is staying along with her parents. When such being the case and the income of the revision petitioner No.1 is Rs.45,000/- per month as declared by him in the affidavit of assets and liabilities, the

Court has to take note that while considering the matter on merits with regard to quantum of maintenance is concerned and whether the respondent-wife is entitled for interim-maintenance or not, at this juncture, this Court cannot decide the same. The interim-maintenance is only a stop-gap arrangement for the livelihood of the respondent-wife, who claims interim-maintenance.

8. When such being the case and petitioner No.1 is getting salary of Rs.45,000/- per month which is also not disputed by the petitioners, I do not find any error on the part of the First Appellate Court in passing such an order for payment of interim-maintenance of Rs.10,000/- per month and it is bounden duty of the husband to maintain the wife, who is unemployed. The fact that respondent-wife is a master-graduate cannot come in the way of awarding the maintenance when she is unemployed and whatever the income she earns through tuition also to be considered at the time of considering the application on merits and the same is being done for her livelihood. Hence, the very contention of learned counsel for the petitioners that awarding interim-maintenance of

Rs.10,000/- per month is exorbitant cannot be accepted and the Court has to take note of present cost of living while awarding the maintenance, particularly when the respondent-wife is staying along with her father, the maintenance awarded is only for her livelihood. Hence, I do not find any force in the contention of learned counsel for the petitioners that the same is exorbitant.

9. The petitioner is also directed to pay arrears of interim-maintenance within one month from today. If the petitioner fails to deposit the amount of Rs.10,000/- per month from the date of application to till date before the Court, the defence which has been taken by the revision petitioners can be struck off and the Trial Court shall proceed with the matter in accordance with law.

10. The material discloses that petition was filed in the year 2023 and the witness P.W.1 was also cross-examined before the Trial Court from September, 2024 on several occasion and there was no progress in the matter and now, the case is posted for final arguments. Hence, the Trial Court is directed to dispose of the matter within a period of six months.

Both the petitioner and the respondent and their respective counsels are directed to assist the Trial Court in disposal of the case within a time bound period of six months.

Accordingly, the revision petition is ***disposed of.***

Sd/-
(H.P.SANDESH)
JUDGE

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List No.: 1 Sl No.: 39