



**IN THE COURT OF V ADDITIONAL DISTRICT AND SESSIONS
JUDGE, TUMKUR (SITTING AT TIPTUR).**

Dated this 27th day of July, 2026

Present:

**SRI. HEMANTH KUMAR. C.R. B.A.L., L.L.B.,
V Addl. District and Sessions Judge
Tumkur (Sitting at Tiptur)
Crl. R.P.No. 10027/2025**

Petitioner/s : Guruprasad
S/o Basavaraju K.K.
Aged about 28 years,
R/o : Kurubarahalli Village,
Dabbeghatta Hobli,
Turuvekere Taluk,
Tumkur District.

(By: Sri.K.R.D., Advocate)

V/s

Respondent/s : 1. K.B. Susheela
W/o Guruprasad
D/o Bhyrashetti
Aged about 26 years,

2. Siri G.
D/o Guruprasad
Aged about 7 years,
Represented by its natural
guardian and mother
K.B. Susheela.

Both are residing at
Kadehalli Village,
Dabbeghatta Hobli,
Turuvekere Taluk,
Tumkur District.

(R-1 by: Sri.M.D.N., Advocate)
(R-2 : Absent)



Order under Section 397 of Cr.P.C.

The petitioner has filed the petition U/Sec. 397 of Cr.P.C., seeking to set side of the interim order passed by the Senior Civil Judge and JMFC., Turuvekere in Crl.Misc. No.42/2023 dated 13.10.2025.

2) The petitioner is the respondent and respondents are petitioners before the trial court. Parties are referred to as per their rank before the trial court to avoid confusion.

3) The facts of the case are as follows:

The petitioner No.1 is the legally wedded wife of the respondent and that their marriage was solemnized on 27.10.2017 at Sri. Kabbli Kshetra Devasthanam Sannidhi, Kabbali Kshetra, Channarayapatana Taluk, Hassan District, in accordance with the rites and customs prevailing in their community. At the time of the marriage, the parents of petitioner No.1 presented a gold ring, a gold neck chain, and cash of Rs.40,000/- to the respondent and incurred an expenditure of Rs.5,00,000/- towards the marriage. After the marriage, petitioner No.1 and the respondent lived together as husband and wife at Tiptur for about five years. During the said period, petitioner No.1 became pregnant and with the permission of the respondent, went to her parental home for delivery, where she gave birth to a female child, namely Siri. Thereafter, petitioner No.1 returned to the matrimonial home at Tiptur. Petitioner No.1 subsequently came to know that the respondent was living with another woman. When the petitioner No.1 questioned the



respondent regarding the same, he allegedly subjected her to both physical and mental cruelty and threatened to kill her. Consequently, petitioner No.1 convened a panchayath, and on the advice of the panchayathdars, the respondent is stated to have mended his behaviour for some time. However, after a few days, he allegedly resumed his earlier conduct, neglected petitioner No.1, failed to provide her with food and clothing, and abused her in filthy language. Despite the intervention and advice of the panchayathdars, the respondent did not mend his behavior. The respondent demanded that the petitioner No.1 bring Rs.5,00,000/- from her parental home. When she refused to comply with the said demand, the respondent allegedly assaulted petitioner No.1 in February 2023. Thereafter, the petitioners started residing at the parental home of petitioner No.1 situated at Kadehalli village. That petitioner No.1 has no independent source of income to maintain herself and petitioner No.2. The respondent is working as a Manager at Sri Sahi Traders, Tiptur, and is earning about Rs.10,00,000/- per annum. The petitioner No.1 requires Rs.10,000/- per month and petitioner No.2 requires Rs.15,000/- towards their maintenance. Since the petitioners have no independent source of income, they have filed the petitioner before the trial Court seeking maintenance. The respondent, after service of summons, appeared before the trial Court and filed his objection to the said petition. The trial Court, after hearing the arguments of both parties, partly allowed the petition and directed the respondent to pay interim maintenance of Rs.2,000/- each per month to the petitioners from the date of the petition till disposal of this case.



4) The petitioner/respondent being aggrieved by the same has preferred this revision petition on the following among other grounds:

The petitioner/respondent has contended that the order passed by the learned Senior Civil Judge and JMFC., Turuvekere is illegal, arbitrary, capricious and contrary to the principles of natural justice and therefore, the same is liable to be set aside. The petitioner/respondent has also contended that the learned trial Judge erred in allowing the petition without properly appreciating the oral and documentary evidence produced by the present petitioner. The petitioner/respondent has further contended that the present respondent has not produced any material to establish that the present petitioner has sufficient independent income or income from the family also has contended that the learned trial Court failed to consider that the present petitioner has aged parents, that his father is suffering from age-related ailments, and that the petitioner is the sole earning member of the family. The petitioner/respondent has further contended that the learned trial Court failed to consider that the petitioner's parents are suffering from illness and without properly appreciating the documentary evidence placed on record, the trial Court passed an order directing payment of an excessive amount of maintenance. The petitioner/respondent has further contended that the present petitioner's mother is suffering from blood pressure, diabetes, and other ailments and the present petitioner alone is looking after his parents and is incurring their medical and other household expenses and these aspects, according to the petitioner, have not



been considered by the learned trial Court. The petitioner/respondent has further contended that the present petitioner is not financially capable of paying the maintenance as ordered by the trial Court and the impugned order required interference by this Court, as the learned trial Court has committed errors and irregularities while passing the same. With these grounds, the present petitioner/respondent before the trial court has prays to set aside the order dated 13.10.2025 passed in Crl.Misc. No.42/2023 by the Senior Civil Judge and JMFC., Turuvekere.

5) After this court having issued notice to the respondents, respondent No.1, upon service of notice, appeared through her counsel and contested the present petition. Despite service of notice, respondent No.2 has not appeared, called out absent. Heard the arguments of counsel for petitioner & respondents on merits, the points that arise for my consideration are that:

1. Whether the orders of the trial Court is illegal, arbitrary, capricious and contrary to the principles of natural justice and same is liable to be set aside?
2. Whether the impugned order of the trial Court calls for any interference at the hands of this Court?
3. What order?

My answers to the above points are point No.1 and point No.2 in **Negative** point No.3 as per the final order for the following:



REASONS

6) **POINT No.1 & 2** : The petitioner counsel has addressed the arguments contending that the present petitioner has preferred the present Revision Petition against the order passed by the trial Court on application filed U/Sec.125(2) of Cr.P.C., seeking interim maintenance which has been partly allowed by the trial Court directing the present petitioner/respondent to pay interim maintenance of Rs.2,000/- each per month to the present respondents/petitioners before trial court from the date of the petition till disposal of the case. The present petitioner/respondent has contended that the order passed by the Senior Civil Judge and JMFC., Tiptur is illegal, capricious and against to principles of natural justice and the present petitioner/respondent also contended that the trial Court has erred in allowing the application without looking into the oral and documentary evidence produced by the present petitioner/respondent. The present petitioner/respondent also contended that the present respondents/petitioners has not produced any documents to show that the present petitioner/respondent is having sufficient income from the family and the trial Court has failed to consider the present petitioner/respondent is having old-aged parents and they are suffering from old-aged deceases and the present petitioner/respondent is only earning member of the family and he has to look after old-aged parents. The present petitioner/respondent also contended that the present petitioner/respondent has to spend medical expenses and other



expenses of the parents and has further contended that the trial Court has failed to consider the same and present petitioner/respondent is not capable to pay maintenance. As such, the present petitioner/respondent prays this Court to interfere with the order passed by the trial Court and modify the same. Hence, prays to allow the Revision Petition and set aside the order passed by the Senior Civil Judge and JMFC, Turuvekere in Crl.Misc. No.42/2023 dated 13.10.2025.

7) The respondent counsel has appeared and addressed the arguments contending that the present respondents/petitioners before the trial Court has preferred a Crl.Misc. No.42/2023 seeking maintenance from the present petitioner/respondent and the present respondents/petitioners counsel has contended that the present respondents/petitioners has sought for maintenance of Rs.10,000/- for the present 1st respondent/petitioner No.1 before trial court and Rs.15,000/- for the present 2nd respondent/petitioner No.2 before trial court and also contended that the present petitioner/respondent is earning annual income of Rs.10,00,000/-, alleging the said facts, the present respondents/petitioners have filed the petition and also the respondents/petitioners have contended that the respondent No.1/petitioner No.1 has filed an interim maintenance application U/Sec.125(2) of Cr.P.C. As such, the trial Court having heard the present respondents/petitioners and looking into the documents has allowed the petition partly and has granted interim maintenance of Rs.2,000/- each per month to the present



respondents/petitioners before the trial court from the date of the petition till disposal of the case. The present respondents/petitioners counsel has also contended that the 1st respondent/petitioner is not working and she is not having any income, whereas the present respondents/petitioners has also contended that the present petitioner/respondent is working as manager in copra shop and is earning annual income of Rs.10,00,000/- and also contended that the respondent No.2/petitioner No.2 is aged about seven years and she has to look after the said present respondent no.2/petitioner No.2 and provide her education. The present respondents/petitioners counsel has also contended that the interim maintenance awarded by the trial Court is less, whereas the present respondents/petitioners had sought for maintenance of Rs.10,000/- for respondent No.1/petitioner No.1 and Rs.15,000/- for respondent No.2/petitioner No.2. As such, the trial Court having partly allowed the same is not sufficient for maintenance of the present respondents/petitioners. The present respondents/petitioners counsel also contended that the trial Court has partly allowed the application, as such, the same does not required modification. Hence, prays to dismiss the present petition and confirm the order passed by the trial Court in Crl.Misc. No.42/2023 dated 13.10.2025.

8) On perusal of the records, it is noticed that the present respondent No.1 and 2 are the petitioner No.1 and 2 before the trial Court, wherein the present respondent/petitioner No.1 has



contended that she is the wife of the present petitioner/respondent and their marriage was solemnized on 27.10.2017 at Sri. Kabbali Kshetra, Devasthanan Sanidi, Kabbali Kshetra, Channarayapatanna Taluk, Hassan District, as per the rites and customs prevailing in their community and at the time of marriage, the parents of respondent/petitioner No.1 had given ring, neck chain and cash of Rs.40,000/- and also spent Rs.5,00,000/- for the marriage. The present respondent and petitioner have led their marital life at Tiptur for about 5 years and at the time present respondent/petitioner No.1 became pregnant and went to maternal home for delivery with the permission of the present petitioner/respondent and she gave birth to a female child by name Siri. Thereafter, respondent/petitioner No.1 returned to the house of present petitioner Tiptur and she came to know that the present petitioner was living with another women and when respondent/petitioner No.1 questioned the same the present petitioner harassed her both mentally and physically and also threatened to kill her. In spite of panchayathdar's advice also the present petitioner did not change his behavior and continued his conduct and neglected the present respondent No.1 and 2 and present petitioner has demanded to bring Rs.5,00,000/- from the maternal home of present respondent No.1 and when she refused the same, the present petitioner assaulted present respondent No.1. As such, the present respondent No.1 having left the house of present petitioner is living in the maternal home situated at Kadehalli Village and also has contended that she is not having



source of income to lead her life and has contended that the present petitioner is working as Manager at Sri. Sai Traders, Tiptur and earning Rs.10,00,000/- per annum. As such, the present respondents/petitioners has filed the application U/Sec.125(2) of Cr.P.C., seeking maintenance of Rs.10,000/- to respondent/petitioner No.1 and Rs.15,000/- to respondent/petitioner No.2. The present petitioner having appeared before the trial Court has filed objection to the main petition and the said objection of the main petition was also considered as objection to the present application on IA No.I and the trial Court having heard both the parties has allowed the IA No.I filed U/Sec.125(2) of Cr.P.C., partly and directed the present petitioner/respondent to pay interim maintenance of Rs.2,000/- each per month to the present respondents/petitioners till the disposal of the case. The present petitioner being aggrieved by the same has preferred the present Revision Petition.

9) On perusal of the records, it is noticed that the trial Court having consider the facts and circumstances of the case and also documents, objections and application filed by the present respondents/petitioners by considering the same, the trial Court has allowed the application partly and the present application is the interim application filed by the present respondents before the trial Court seeking interim maintenance, whereas the main petition is still pending for consideration, whereas the present respondents have filed Crl.Misc. No.42/2023 seeking maintenance of Rs.10,000/- to respondent/petitioner No.1 and Rs.15,000/- to



respondent/petitioner No.2. The present petitioner has not produced any document before this Court to substantiate that the he is not capable to pay interim maintenance of Rs.2,000/- each per month awarded by the trial Court. The trial Court having relied on the judgment of the Hon'ble Supreme Court of India in Rajesh V/s Neha and others and considering the facts and circumstances of the case, the trial Court has allowed the application partly and awarded the interim maintenance of Rs.2,000/- each per month. Wherein, the trial Court while considering the present application has also considered the objection filed by the present petitioner alleging that he is doing tailoring work and earning Rs.30,000/- per month. As such, the trial Court considering the statements of objection and Assets and Liabilities filed by the both parties and considering the same, the trial Court has awarded interim maintenance of Rs.2,000/- each to the petitioners No.1 & 2 i.e., respondents No.1 & 2. The present petitioner/respondent having challenged the same has not produced any documents before this Court as to why the present petitioner is unable to pay maintenance as the interim maintenance awarded by the trial Court is only Rs.2,000/- each to the petitioners No.1 & 2 i.e., respondents No.1 & 2 and so also if the present petitioner having not produced any record to substantiate that the present respondent No.1 is having sufficient income or earnings, the same can be proved during the Course of trial as the present application is the interim maintenance application which has been partly allowed by the trial Court, whereas the contention raised by the present petitioner in the present petition can be



agitated before the trial Court by producing documents and also cross-examining the respondents/petitioners with respect to the defence of the present petitioner. As such, the present petitioner having not produced any document to substantiate that he is unable to pay interim maintenance awarded by the trial court nor has produced any documents to show that the respondents are having sufficient income for their livelihood. As such, the present petitioner has not made out sufficient grounds to interfere with the order passed by the trial court on the interim maintenance application which has been partly allowed and an amount of Rs.2,000/- each per month has been awarded to the respondents/petitioners from the date of petition till the date of disposal of the case. In view of the said observations, I answer ***point No.1 and point No.2 in the Negative.***

10) **POINT No.3:** For the reasons discussed above, I proceed to pass the following:

ORDER

This Crl. Revision Petition filed by the petitioner/respondent U/Sec.397 of Cr.P.C. is hereby dismissed.

The interim order passed by the learned Senior Civil Judge & J.M.F.C., Turuvekere, in Crl.Misc. No. 42/2023 dated 13.10.2025 is hereby confirmed



Send back the copy of this order to the trial
court forthwith.

(Dictated to the Stenographer, transcribed by her, script thereof revised, corrected,
signed and then pronounced by me in the open Court on this the 27th day of July, 2026).

Sd/-

(Hemanth Kumar C.R.)

V Addl. District & Sessions Judge
Tumkur (Sitting at Tiptur)