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CrI.R.P.NO.5036/2025
(Old CrI.R.P.NO.13/2023)

**IN THE COURT OF II nd ADDL.DISTRICT AND SESSIONS
COURT, YADGIR,
SITTING AT SHORAPUR.**

:PRESENT:

**Sri. Yamanappa Bammanagi, B.A.LL.B (Spl.)
II nd Addl. District & Sessions Judge, Yadgir,
sitting at Shorapur.**

DATED THIS THE 28th DAY OF MARCH, 2026.

**CrI.R.P.NO.5036/2025
(Old CrI.R.P.NO.13/2023)**

**Revision petitioner/
Respondent:**

Veerupakshi S/o Hanamantha
Galag, Age: 36 years, Occ: Employee,
(as a Labour) R/o Hatti,
Tq: Linagasur, Dist: Raichur.

(Sri. S.A.Q Advt...)

V/s

**Respondents/
Petitioners:**

- 1.** Soundarya D/o Veerupakshi,
Age: 03 years, minor U/G of his
natural mother by name Vinoda W/o
Veerupakshi, (i.e., petitioner No.2)
- 2.** Vinoda W/o Veerupakshi,
Age: 24 years, Occ: house hold &
Guest teacher, both are R/o Hatti,
Tq: Linasagaru, Dist: Raichur.

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(Sri.S.T. Advt...)

ORDER ON PETITION FILED U/SEC.397 OF CR.P.C.

Being aggrieved by the interim order dated 23.09.2023, in CrI.Misc. No.800/2022 filed U/Sec.125 of Cr.P.C, the respondent/husband is before this court challenging the correctness and legality of the same.

The parties are referred as per their rank before the trial court for conveniences of the court, the revision petitioner is husband of petitioner No.2 before the trial court, and petitioner No.1 is daughter of revision petitioner and petitioner No.2, the petitioner No.2 wife filed petition U/Sec.125 of Cr.P.C against respondent/revision petition for maintenance, along with main petition the petitioner No.2 filed interim application for grant of interim monthly maintenance to the petitioner No.1 and 2, same was partly allowed and



granted interim maintenance of Rs.2,000/- each per months till disposal of main petition.

2. Brief facts of prosecution case, are as follows:-

The petitioners have filed petition U/sec.125 of Cr.P.C against the respondent for monthly maintenance of Rs.10,000/-, it is contended in the petition that, the petitioner No.2 is legally wedded wife of respondent, marriage between petitioner No.1 and respondent took place on 25.05.2014, at Tinthani Mouneshwara Temple as per the customs prevailed in their community, after marriage petitioner No.2 led marital life with respondent for 02 years, and gave birth to petitioner No.1, thereafter, the respondent started to demand for 05 tola gold and cash of Rs.1 lakhs, and used to force the petitioner No.2 to bring the same from her parents, and since petitioner No.2 did not comply the illegal demand of respondent, hence the respondent used to assault on her and used to give mental and physical harassment, the petitioner No.2 intimated the same to her family members, her family members came with elders of the village to the house of respondent and advised

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him not do such things and lead happy marital life with petitioner No.2, but, respondent did not heed and continued the same, and further he used to assault and abused her at the instance of his mother and his sisters. The respondent used to give a threat to the petitioner No.2 not to disclosed the incident to anybody, due to which she sent requisition to concerned officers on 28.10.2021, but, the respondent, at the instance of his mother and sister, thrown out the petitioner from the house 10 months back, till 10 months the petitioner No.2 waiting for the respondent and his family members thinking that, they will come and take her, but, they did not come, hence the petitioner No.2 herself came to the house of respondent with petitioner No.1 with elders and her family members, but, respondent and his family members abused in filthy language in the presence of elders of village and in the presence of family members of the petitioner No.2 and gave a threat that, without bringing 05 tola gold and Rs.1 lakhs they will not allow her to stay in the house, and respondent and his family members pushed out the petitioner No.2 with petitioner



No.1 from the house, helplessly the petitioners came to the house of her parents and stayed, since then the respondent did not take care of petitioners and did not pay the single paise for their maintenance and respondent neglected the petitioners though the respondent having sufficient means to maintained the petitioners. The respondent is Govt. servant, serving in Hatti Gold Mines Company and getting sufficient monthly salary, further, the respondent owned landed property, purchased by the respondent in the name of his mother and getting income from the landed property, thus, the respondent is capable to pay monthly maintenance of Rs.5,000/- each petitioners. Hence the petitioners have filed the petition for maintenance as prayed in the petition.

3. In pursuance of the service of notice, the respondent appeared through counsel and filed objection to the main petition stating that, the petitioner No.2 is second wife of respondent and petitioner No.1 is residing with petitioner No.2 and denied the contents of para No.3 of the petition as false, as the petitioner No.2 is not legally wedded



wife of respondent and no marriage took place between petitioner No.2 and respondent on 25.05.2014 at Tinthani Mouneshwara temple, hence petitioners are not entitle for maintenance from the respondent. Further, the respondent has denied the contents of para No.4 to 10 as false and contended in the objection that, the respondent married with woman by name Rukshana belongs to Muslim community and after marriage her name changed as Malashree and the respondent is having 04 children from said Malashree, with this the respondent contended that, the petitioner No.2 is close relative of respondent and she had illegal relationship with respondent and petitioner No.2 gave birth to petitioner No.1, so, petitioner No.1 is illegitimate child hence both petitioners are not entitle for maintenance as the petitioner No.2 is not legally wedded wife of respondent, further contended that, he did not own any landed property as contended in the petition, with this the respondent prayed for dismissal of the petition. During pendency of main petition the petitioners have filed interim application for the relief of



interim maintenance, after hearing on both side, the trial court has passed the order on interim application and granted monthly interim maintenance of Rs.2,000/- to each petitioners from the date of petition till disposal of the main petition, being aggrieved by the same the revision petitioner has filed this petition on following;

“GROUNDS”

A. The trial court did not concerned the facts that, the present petitioner has denied the relationship of petitioners with respondent, the petitioner No.2 is work as assistant teacher and she is having source of income and she is able to maintain herself and petitioner No.1.

B. The respondent/revision petitioner married with Muslim woman by converting her into Hindu and named her as Malashree and the revision petition is having 04 children from Malashree, so, question of marry with present petitioner No.2 does not arise, but, the trial court did not considered these facts.



C. The trial court failed to consider the facts that, the Malashree is first wife of revision petitioner, so, the petitioner No.2 is second wife of revision petitioner under these circumstances the granting of interim maintenance of Rs.2,000/- per month to the petitioner is illegal and not maintainable under the law and facts and same is liable to be set-aside.

4. On admitting the revision petition, this court issued notice to respondent. The respondent appeared through counsel, and received TCR.

5. Heard argument on both side.

6. I have perused the contents of petition, grounds stated in the petition, by the revision petitioner, and also considered material placed before the court, and perused the same, on perusal of the same the points that would arise for determination are as follows;

POINT NO.1. Whether the revision petitioner/respondent made out grounds to show that, the interim



order of trial court, in

CrI.Misc.No.800/2022, 23.09.2023,

granting interim monthly maintenance

of Rs.2,000/- to each petitioners from

the date of petitioner till disposal of

main petition is deserves to be set-

aside and call for the interference of

this court ?

POINT NO.2: What order ?

7. My findings to the above points are as follows;

Point No.1 : in the Negative.

Point No.2 : As per the final order,
for the following ;

REASONS

8. **POINT NO.1:** The brief facts of the petitioners case is already extracted supra. I have gone through the material placed before the court and objection filed by the respondent, on perusal of the same it is clear that, the respondent denied the relationship between himself and



petitioner No.2 as husband and wife, he took contention that, the petitioner No.2 is second wife of respondent, and she has illegal relationship with respondent and gave a birth to the petitioner No.1, apart from this contention the respondent taken defence that, in the year 2014 he married with one Rukashana who is belongs to Muslim community and her name is changed as Malashree after marriage and he marital life with said Malashree, and respondent is having 04 children from Malashree, so, petitioner No.2 is not legally wedded wife of respondent and petitioner No.1 is not legitimate child of respondent, hence the petitioners are not entitle for interim maintenance, the trial court granted interim maintenance to the petitioners without considering these facts as taken by the respondent in his objection.

9. Question before the court is that, on basis of material placed before the court and on basis of facts pleaded in the petition and facts stated in the objection whether the petitioners are entitle for interim maintenance or not, if so, what extent. The petitioners are entitle for interim



maintenance. This court has received trial court records, on perusal of the trial court records already evidence of petitioner closed, to show prima-facie case, at this stage, the petitioners have produced birth certificate of petitioner No.1, Aadhar card of petitioner No.2, photo of marriage of petitioner No.2 with respondent, and certificate issued by deputy manager (HR), Hutti Gold Mines Co.Ltd Hutti. Marriage invitation card, payslip of respondent, ROR of Sy.No.77P1/A adm 04 acres 00 guntas stands in the name of mother of respondent and appointment order of respondent in Hutti Gold Mines company, Aadhar card of petitioner No.1, school certificate of petitioner No.1 and other documents.

10. It is specific case of the petitioners that, the marriage between petitioner No.2 and respondent took place on 25.05.2014 at Tinthani Mouneshwara temple, and she led marital life with respondent and gave a birth to petitioner No.1, after birth of petitioner No.1 the respondent started to give harassment for illegal demand of dowry at the instance of his mother and sister, and ousted the petitioners from the



house and neglected the petitioners, the respondent contended that, he married with one Malashree in the year 2014, no specific date, month is mentioned so far as marriage of respondent with said Malashree. So far as marriage of petitioner No.2 is concerned the petitioner No.2 has produced marriage invitation card, which shows date of marriage of petitioner No.2 with respondent, service records of respondent shows name of petitioner No.2 as wife of respondent, no single document produced by the respondent to show prima-facie that, he married with said Malashree, mere taking defence that, petitioner No.2 is second wife of respondent is not sufficient to reject the application for interim maintenance when petitioner No.2 produced marriage card to show her marriage with respondent and produced the service record which shows the name of name petitioner No.2 as wife of respondent, further, respondent is Govt. servant, he is having permanent sources of income and able to pay interim maintenance as per the order of trial court. That apart, the respondent contended that, petitioner No.2 is his second wife



and petitioner No.1 is his illegitimate child, even illegitimate child is also entitle for maintenance. Another question before the court is as to whether respondent married with Malashree hiding facts of marriage of petitioner No.2 with him already, because, as per petitioner No.2 her marriage took place on 25.05.2014, which is supported with marriage card, but, as per objection of respondent he married with Malashree in the year 2014, so vague contention of marriage with said Malashree without stating date, month in the objection of respondent with Malashree is not sufficient, at this stage to reject the application, these materials placed before court show prima-facie case that, petitioner No.2 is wife of respondent, respondent is Govt. servant, looking to the facts and circumstances of the case and facts stated in the objection, at this stage, interim maintenance awarded by the Ld trial court is in accordance with law.

11. There are sufficient material before the court to considered the marriage of petitioner No.2 with respondent prima-facie to grant interim maintenance, there is also



sufficient material before the court to show that, the respondent is capable to maintain the petitioners by paying interim maintenance granted by the trial court.

12. On the other hand, there is no single piece of document to show that, the respondent married with the said Malashree and said Malashree gave birth to 04 children by leading marital life with respondent. When there is a sufficient material before the court which shows prima-facie case of petitioner and source of income of respondent and neglect of respondent towards petitioners the petitioners are entitle for interim maintenance, the interim maintenance awarded by the trial court is in accordance with law and trial court granted the interim maintenance keeping in mind the guidelines of Hon'ble Apex court in case of Rajanish V/s Neha and others.

13. On perusal of the material placed before the court I am of the opinion that, the interim maintenance granted by the trail court is in accordance with law and facts, without touching merits and demerits of the case I hold that, the revision petitioner not made any genuine grounds in the



revision petition and revision petition has no merits. Thus, on careful scrutiny of material placed before the court and order of trial court, I am of the opinion that, the trial court rightly granted the interim maintenance to the petitioners relying on the material placed before it, and same is in accordance with law, hence interference of this court not warrants. It is made it clear that, the observation made and reasons assigned by this court in this order on interim maintenance is not come in the way of determining the entitlement of maintenance on main petition by the trial court. Hence I answered this point No.1 in the **Negative**.

14. POINT NO: 2: In view of the finding on point No.1, I proceed to pass the following;

ORDER

Revision petition filed U/Sec.397 of Cr.P.C. is hereby dismissed. Order of trial court on interim maintenance dated 23.09.2023 is hereby confirmed.

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Office is directed to send TCR to

the trial court with copy of the order.

(Dictated to the Stenographer-III directly on computer, transcript computerized by him, corrected, initialed and then pronounced by me in the open court, on this the 28th day of March - 2026)

(Yamanappa Bammanagi)
(II nd Addl. District and Sessions Judge
Yadgir, Sitting at Shorapur)