

(2026) 08 KAR CK 2150

In the Karnataka High Court, Bengaluru Bench

Case No : CRIMINAL REVISION PETITION NO. 1467 OF 2024

Sri S L Shivakumar & Anr.

APPELLANT

Vs

Smt. Poornima S.K. & Anr.

RESPONDENT

Date of Decision : 05-08-2026

Acts Referred:

Code of Criminal Procedure, 1973 — Section 397, 401
BNNS — Section 438, 442
Protection of Women from Domestic Violence Act, 2005
Indian Evidence Act — Section 114

Citation : (2026) 08 KAR CK 2150

Hon'ble Judges : H.P. Sandesh, J

Bench : Single Bench

Advocate : Smt. Kavitha.R.Reddy, Sri. Shyamal Majumdar

Final Decision : Dismissed

Judgement

This matter was listed earlier and was heard in part. This Court had also directed to pay the entire arrears of maintenance. Learned counsel for the petitioners has now filed a memo stating that the balance arrears of ₹ 60,000/- have been paid. The said fact is not disputed by the learned counsel appearing for the respondents.

2. The parties are referred to as per their ranking before the Trial Court.

3. Coming to the factual aspects of the case is concerned, the claimants before the Trial Court in Criminal Miscellaneous No.837 of 2022 are the daughter-in-law and grandson of respondent Nos.1 and 2.

4. It is contended that petitioner No.1 is the legally wedded wife of late S. Kumar and petitioner No.2 is the son born in the said wedlock. The marriage between petitioner No.1 and late S. Kumar was solemnized on 22.11.2013. The husband of petitioner No.1 died of a heart attack on 12.05.2022 and respondent Nos.1 and 2 are the in-laws.

5. It is further contended that petitioner No.1 has been suffering from cancer since 2016. The respondents allegedly compelled their son for a second marriage. It is also contended that when petitioner No.1 was driven out of the matrimonial house by the respondents, they had received a loan of ₹ 5,00,000/- from the parents of petitioner No.1. The respondents are stated to have constructed a two floor building. After the death of her husband, petitioner No.1 faced difficulties in meeting the rent and educational expenses of her son-petitioner No.2.

6. Petitioner No.1 also made certain allegations with regard to the gold ornaments and money given and spent at the time of the marriage. It is further alleged that the respondents obtained the signature of petitioner No.1 on blank papers. The daughter in law and grand son have claimed maintenance by invoking the provisions of the Protection of Women from Domestic Violence Act, 2005.

7. Pursuant to the summons issued by the Trial Court, the respondents appeared through counsel and filed their statement of objections, contending that they are not liable to answer the claim of the petitioners under the law and that the petition has been filed with an oblique motive.

8. It is contended that, the respondents had only one son - S. Kumar, who was working as driver. Respondent No.2 availed financial assistance for purchasing of one tempo traveller and one car to help her son to run a transportation business and conducted the marriage with petitioner No.1. After the marriage, petitioner No.1 and S.Kumar made a separate house. Since petitioner No.1 was not interested to be with in-laws, she left the matrimonial house and started living with her parents. The Panchayath was held and she refused to join the respondents. The respondents gave the money for rented house and to run the business and also commercial vehicles to run the transportation business when their son was alive and petitioner No.1 has started luxurious and lavish life taking her husband in a separate house.

9. It is contended that, since 2014, petitioner No.1 and S. Kumar had been living separately in a rented house at Channapatna. It is further contended that, due to cancer, petitioner No.1 had attempted to commit suicide on several occasions while residing in the rented house. The respondents contend that they had borne the medical expenses incurred towards the treatment of petitioner No.1 and the respondents had obtained life insurance policies for the welfare of the petitioners and had taken care of both the petitioners on humanitarian grounds.

10. It is contended that the respondents commenced the construction of the second floor of their building about five years ago by receiving a sum of ₹ 5,00,000/- from the parents of petitioner No.1 is false, no such amount was received from the parents of petitioner No.1. On the contrary, the respondents had given several gold ornaments to petitioner No.1.

11. It is further contended that the husband of petitioner No.1 had defaulted in

payment of the monthly EMIs to the financial institutions and that the respondents had borne and paid the said amounts. It is also contended that petitioner No.1 did not visit the matrimonial home either at the time of her husband's death or during the eleventh-day ceremony.

12. According to the respondents, petitioner No.1 is engaged in tailoring and earns ₹ 8,000/- per month. It is further contended that she has sufficient independent income and has also received a sum of ₹ 2,00,000/- towards the life insurance claim of her husband and petitioner No.1 is not entitled to claim any maintenance.

13. Petitioner No.1 in order to substantiate the case examined herself as PW-1 and produced documents at Exhibits-P1 to P20. On the other hand respondent No.1 has examined himself as RW-1 and got marked documents at Exhibit- R9 to R30 and also respondent No.2 examined herself as RW-2 and got marked documents at Exhibits- R1 to R8 and also examined one witness as RW-3. The Trial Court having considered the materials available on record, particularly, the case is filed for the maintenance invoking the DV Act and no dispute with regard to the relationship between the parties and the Trial Court also in paragraph No.28 comes to the conclusion that, "the respondents are not providing any basic necessities to petitioner No.1 and also comes to the conclusion that petitioner No.1 is suffering from cancer and no dispute to that effect and documents are also produced to substantiate the same. Petitioner No.1 has also produced Exhibit-P13 - insurance policy in the name of petitioner No.1. The respondents also produced the life insurance premium receipts". The said documents are related to before filing of the present petition and the same was taken note of.

14. The Trial Court having considered the material on record and also relying upon the judgment of the **Hon'ble High Court of Delhi in Soniya Khurana v/ s Pradeep Khurana decided on 25.01.2024 in M.A.T. APP (FG) No.80/2023 and CM APPL.14336/2023** as well as material on record, took note of the fact that petitioner Nos.1 and 2 were residing together and were entitled to suitable accommodation and a proper living environment. The Trial Court came to the conclusion that, in the event respondent Nos.1 and 2 failed to permit petitioner Nos.1 and 2 to reside in their building, respondent Nos.1 and 2 were liable to pay a sum of ₹ 6,000/- per month towards rental accommodation.

15. But the fact is that the petitioners are residing in the second floor in a room, wherein earlier, it was rented out to the student and the trial Court also taken note in paragraph No.35 with regard to the pension of ₹ 60,000/- to ₹ 70,000/- per month. But RW-1 admitted in the cross-examination that, he is getting pension of ₹ 25,000/-per month and also he admitted that, he was drawing the salary of ₹ 1,30,000/- per month when he was working, but not produced the salary certificate. However, he admits the assets and liabilities to the tune of ₹ 43,000/- and taken note of the same and also taken note of petitioner No.1 is suffering from illness and she requires medical aid as well as petitioner No.2 is 9 year old at the time of filing the petition and also considering the expenses,

invoked Section 114 of Indian Evidence Act to draw the inference and awarded an amount of ₹ 8,000/- to petitioner No.1, who is the daughter-in-law, suffering from cancer and awarded an amount of ₹ 4,000/- to petitioner No.2, who is the grand son of the respondents. In all directed to pay maintenance of ₹ 12,000/-.

16. The same is challenged before the Appellate Court and Appellate Court also having considered the grounds which have been urged in the appeal and on re-assessing the evidence available before the Court, particularly taking note of admission, and considering the pension as well as declared income and RW-1 admitted that, he is getting pension of ₹ 25,000 and the same is extracted in paragraph No.35 and so also the answer elicited from the mouth of RW-1 that, he had leased the premises for an amount of ₹ 5,00,000 i.e. first floor premises earlier and also admitted that, he was getting salary of ₹ 1,30,000 prior to his retirement and also respondent No.2 admitted in the cross-examination that having two sites at Appagere and the same was purchased by her husband and taken note of the admission on the part of RW-3, comes to the conclusion that respondent No.3 evidence will not come to the aid to decide the same. However, Trial Court took note of Exhibit-P13 -FD kept for a period of 525 days to the tune of ₹ 1,00,000 and the same was matured on 21.04.2025. The same was got by petitioner No.1 and also taken note of Exhibit-P16, an amount of ₹ 2,00,000 was credited to the account of petitioner No.1 and considered both the evidence of PW1 as well as the evidence of RW1 and RW2 and comes to the conclusion that, maintenance awarded is not exorbitant and confirmed the same.

17. The main contention of the counsel appearing for the petitioners before this Court is that, they are ready to pay the maintenance and rent also, the atmosphere living in the very same premises by the daughter-in-law and also the in-laws is not encouraging and she used to make galata every day and even they are ready to give property. The same is pleaded in paragraph No.17 that they are ready to give 1 acre of land and also the site and that they are going to pay the rentals.

18. The counsel also vehemently contend that, the same was not taken note of by the Trial Court as well as the Appellate Court, and not taking note of the same and hence, it requires interference of this Court.

19. *Per contra*, learned counsel appearing for the respondents submits that the fact that, the daughter-in-law, is suffering from cancer is not disputed by the in-laws. It is also not in dispute that she is undergoing treatment for the said ailment.

20. It is further contended that, considering the fact that since she is suffering from cancer, no one is willing to offer or let out premises to her. It is submitted that it would be extremely difficult for her to shift from the place where she and her son i.e., the grandson of the respondents, are presently residing.

21. Learned counsel further vehemently contends that, while undergoing treatment for cancer, she is also required to take care of her son. The Trial Court

has awarded only a sum of ₹ 4,000/- per month towards the maintenance of her son. Out of the total maintenance of ₹ 12,000/- per month, she is required to maintain herself, meet her medical expenses, and also to incur the educational expenses of her son and the same is not exorbitant.

22. Though the respondents have offered to provide one acre of land and separate accommodation and have also expressed their willingness to bear the rental expenses, learned counsel submits that, in view of the medical condition of petitioner No.1, it has not been feasible for her to secure suitable alternative accommodation and hence, no ground is made out to exercise the scope of revision and the same is very limited and also when the order passed by the Trial Court is just and reasonable, the question of interference in the exercise of revisional power does not arise.

23. Learned counsel in support of the argument for the revision petitioners relies upon the judgment of the **Hon'ble High Court of Delhi in Smt. Ritu Raneja and Others v/s Govt. of NCT Of Delhi and Others passed in W.P.(C) 12721/2023 and CM APPL.25845/2026** and counsel brought to notice of this Court paragraph No.13 wherein analysis is made with regard to the factual aspects of the case and counsel also brought to notice of this court the discussion made in paragraph Nos.23 and 25 and also referring the judgment of the Supreme Court in a case of **Satish Chander Ahuja v/s Sneha Ahuja** and also brought to notice of this Court, paragraph No.30, wherein an observation is made with regard to the providing an alternative accommodation.

24. Learned counsel also relies upon the other judgment of **Hon'ble High Court of Delhi passed in RFA (OS) 64/2025, CM APPL.64541/2025 and CM APPL.64542/2025** and counsel also brought to notice of this Court in this case also the judgment of **Satish Chander Ahuja** case was taken note of and this judgment also will help the revision petitioners for alternative accommodation.

25. Having heard the petitioners counsel and also the counsel appearing for the respondents and also the principles relied upon in the judgment referred supra, in a case of **Smt. Ritu Taneja**, no doubt the Delhi High Court relied upon the judgment of **Satish Chander Ahuja** case and having taken note of the reasoning in paragraph No.30, wherein, the Court takes note of the fact that "petitioners are not without recourse or means. Petitioner No.1 is admittedly employed as a Government teacher and is financially independent. Further, an alternative property at Khirki Extension is in possession of the Petitioners, and Respondent No.2 is willing to hand over documents of the same, along with two plots at Faridabad."

26. When such observation is made, the facts and circumstances of the case are not applicable to the facts of the case on hand. In the case on hand, it has to be noted that son of the respondents is no more and petitioner No.1, the daughter-in-law, and petitioner No.2, the grandson, are residing in a portion of the premises situated on the second floor, which consists only a room and provides

limited accommodation. Earlier, petitioner Nos.1 and 2 were residing in the ground floor. Subsequently, they shifted to the first floor, which had earlier been leased out to a tenant for a sum of ₹ 5,00,000/-. The ground-floor premise is now also been let out. However, respondent Nos.1 and 2 are not willing to accommodate petitioners, in the ground floor. Though learned counsel for respondent Nos.1 and 2 submits that they are receiving a monthly rental income of ₹ 7,000/- in respect of the ground-floor premises and are willing to pay ₹ 6,000/- per month towards rent for separate accommodation. The only object is to send them out from the premises and also when the son passed away and daughter-in-law is having a son, that too 9-year-old child, at the time of filing the claim petition, they would have considered the same, that too when she is suffering from cancer and the said fact is also an undisputed fact.

27. It is also important to note that medical records are also placed before the Court that, she is suffering from cancer and also she is getting the medication and the same is not disputed and only ground that she is quarrelsome in nature and when she is suffering from cancer and her life is at stake, the very submission cannot be accepted and apart from that the maintenance awarded ₹ 8,000/- to petitioner No.1 and ₹ 4,000/- to petitioner No.2 who is the grandson and he is pursuing the education and it is highly impossible to meet the educational expenses and also other expenses with the amount of ₹ 12,000. No doubt, learned counsel appearing for respondent Nos.1 and 2 submits that they are bearing the educational expenses of petitioner No.2. However, merely bearing the educational expenses would not be sufficient. Petitioner No.1 is also required to provide food, shelter and meet the other day-to-day expenses of petitioner No.2, apart from meeting her own medical and other expenses, out of the maintenance amount of ₹ 8,000/- plus ₹ 4,000/- awarded to petitioner Nos.1 and 2, respectively.

28. The Trial Court has also taken note of the capacity of respondent No.1 to pay maintenance, particularly in paragraph No.35 with regard to pension what respondent No.1 is getting. The Trial Court has further taken note of the fact that the properties stands in the names of both respondent Nos.1 and 2, as well as the last-drawn salary of respondent No.1. Though respondent No.1 admitted that he was drawing a salary of ₹ 1,30,000/- per month prior to his retirement, he did not produce the salary certificate before the Court. However, in the statement of assets and liabilities, respondent No.1 disclosed his income as ₹ 43,000/-. The Trial Court has also taken note of the rental income received by the respondents and the same was considered by the Appellate Court.

29. In the aforesaid circumstances, I do not find any error on the part of the Trial Court in awarding maintenance of ₹ 8,000/- per month to petitioner No.1 and ₹ 4,000/- per month to petitioner No.2. The maintenance awarded cannot be said to be exorbitant and, having regard to the cost of living and the educational expenses of petitioner No.2, who is pursuing his education, the same is just and reasonable and, when such being the case, I do not find any error on the part of

the trial Court and Appellate Court in considering the material and also on re-appreciation of material available on record and hence no ground is made out to exercise the revisional power. The scope of revision is also when there was a miscarriage of justice under the circumstances court can exercise the revisional powers.

30. Both the Courts have taken into consideration the capacity of the respondents to pay the maintenance amount and have also taken note of the fact that the petitioners do not have any independent source of income to survive in their life. The orders passed by the Trial Court and confirmed by the Appellate Court do not suffer from any legality and correctness.

31. Accordingly, no ground is made out to interfere with the impugned orders. Hence, the revision petition is ***dismissed***.