

(2026) 08 KAR CK 2148

In the Karnataka High Court, Bengaluru Bench

Case No : Criminal Revision Petition No.790 of 2025

Sri Saravana Kumar Pulleparthi

APPELLANT

Vs

Smt. Priyadarshini Kommeneni

RESPONDENT

Date of Decision : 05-08-2026

Acts Referred:

Cr.P.C — Section 397, 401

Citation : (2026) 08 KAR CK 2148

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

Bench : Single Bench

Advocate : Sri. Yoganna K.P., Sri. Shekhar Badiger

Final Decision : Disposed of

Judgement

This matter is listed for admission. I have heard learned counsel for the petitioner and learned counsel for the respondent.

2. This revision petition is filed against the order of Trial Court granting maintenance of Rs.5,000/- to the child and declining ed to pass any order in favour of the wife, in coming to the conclusion that she is also earning and getting a salary of Rs.67,000/- per month.

3. Being aggrieved by the said order, an appeal is filed before the First Appellate Court. The First Appellate Court having considered the assets and liabilities of both, in paragraph No.20 taken note that both of them are living separately from 27.09.2021 and also taken note of the judgment of the Apex Court reported in

RAJNESH vs. NEHA & ANR. reported in **AIR 2021 SCC 569**. In paragraph No.19, taken note that the petitioner in her assets and liabilities affidavit has stated that she has salary income of Rs.67,000/-and she has to pay EMI of Rs.35,200/- and respondent is earning Rs.2.80 lakh per month and she requires Rs.1,00,000/-for day-to-day expenses for herself and her child. Whereas, the respondent has stated that his net salary is Rs.1,52,509/- and he has Rs.1,41,000 expenses per month which includes car loan, personal loan and also

he has to look after his aged parents.

4. The Trial Court taking note of the same, in paragraph No.20 comes to the conclusion that maintenance awarded to the child in a sum of Rs.5,000/- by the Trial Court is confirmed and in respect of wife of the petitioner is concerned, considering the declared income of the petitioner, granted maintenance of Rs.20,000/-. Being aggrieved by granting of maintenance to the child and wife, the present revision petition is filed before this Court.

5. Learned counsel appearing for the petitioner would vehemently contend that when the wife is earning Rs.67,000/-and now she is working in Lufthansa Technik Services India and getting salary of Rs.1,21,000/- per month, awarding of maintenance of Rs.20,000/- by the First Appellate Court is erroneous. Hence, it requires interference of this Court. However, he has not disputed awarding of maintenance of Rs.5,000/- to the child.

6. Learned counsel appearing for the respondent relies upon the document of resignation tendered by the wife on 17.03.2025 and contend that now, she is not working. But, counsel appearing for the petitioner would submit that still she is working in Lufthansa Technik Services India and getting salary around Rs.1,22,000/- from January 2026.

7. Having considered the submissions of learned counsel for the petitioner and learned counsel for the respondent, before the Trial Court, the wife declared the income as Rs.67,000/- as per the assets and liabilities in view of the judgment of the Apex Court in **Rajnesh's** case and husband/petitioner has declared his income as Rs.1,52,000/- in his assets and liabilities. It has to be noted that only interim-measurement is taken note of by the Trial Court i.e., maintenance of Rs.5,000/- to the child and the First Appellate Court, in respect of the wife is concerned, awarded Rs.20,000/-as maintenance. When the difference in salary is found in respect of the wife and husband to the tune of Rs.67,000/- as well as Rs.1,52,000/- respectively and merely she is getting salary of Rs.67,000/- and the documents which have been placed before this Court cannot be considered at this juncture and the same have to be considered at the time of considering the matter on merits. While awarding the maintenance, the Court has to take note of only the assets and liabilities declared before the Trial Court and considering the income of Rs.67,000/- of wife and EMI.

8. Learned counsel for the petitioner also contend that he is getting salary of Rs.1,52,000/-, inclusive of expenses which would be Rs.1,41,000/-. The said submission cannot be accepted with regard to the expenses of Rs.1,41,000/- as against Rs.1,52,000/- and while awarding the maintenance, the Court has to take note of status of both parties and how, they lived earlier and also the very positions of the parties. When such being the case, I do not find any error on the part of the First Appellate Court in granting maintenance of Rs.20,000/- to the wife considering the salary and declared income of the wife as well as the husband is Rs.67,000/- and Rs.1,52,000/- and the total maintenance awarded is

only Rs.25,000/- in respect of the child as well as the wife. The material, if any is to be placed before the Trial Court at the time of trial of the matter on merits and the Trial Court also to take note of said fact into consideration and while adjudicating the issue between the parties with regard to quantum of maintenance, adjust the same, if there is any variance in awarding the maintenance before the Trial Court and the petitioner is directed to continue to pay the amount in terms of the order passed by the First Appellate Court.

9. Accordingly, the revision petition is **disposed of**. The Trial Court is directed to dispose of the matter within a time bound period of six months. Both the counsels and parties are directed to assist the Trial Court for disposal of the matter within a time bound period of six months. The observations made by this Court shall not influence the Trial Court while disposing the matter on merits. The petitioner is directed to comply the order of both the Courts and continue to pay the same till disposal of the matter by the Trial Court without fail.