



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

CRIMINAL REVISION PETITION NO. 248 OF 2023

BETWEEN:

SRI. K.M. REVANASIDDESHWARA
S/O SRI K.M. MAHANTASWAMY
AGED ABOUT 58 YEARS,
LECTURER IN ECONOMICS
GOVERNMENT ARTS COLLEGE
OPP. BANGALORE UNIVERSITY
CENTRAL COLLEGE CAMPUS
BENGALURU - 560 001.

...PETITIONER

(BY SMT. ANKITA PATIL, ADVOCATE FOR
SRI. R. KOTHWAL, ADVOCATE)

AND:

SMT. K.M. SHAILAJA
W/O SRI. K.M. REVANASIDDESHWARA
AGED ABOUT 44 YEARS,
R/AT NO. 87/A, 1ST FLOOR
5TH CROSS, VASANTHNAGAR
BENGALURU - 560 052.

...RESPONDENT

(BY SMT. BHAVANA S. RAO, ADVOCATE FOR
SMT. SADHANA S. DESAI, ADVOCATE)

THIS CRL.RP IS FILED U/S.397 R/W 401 OF CR.P.C
PRAYING TO SET ASIDE THE IMPUGNED JUDGMENT PASSED

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KARNATAKA



BY THE VIII ADDL.C.M.M., BENGALURU IN
CRL.MISC.NO.1915/2009 DATED 19.06.2010, PARTLY
CONFIRMING THE SAME IN CRL.A.NO.574/2010, DATED
15.09.2015, ON THE FILE OF LX ADDITIONAL CITY CIVIL AND
SESSIONS JUDGE, BENGALURU (CCH-61).

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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

Heard Smt. Ankitha Patil, for Sri. R. Kothwal, learned
counsel for the petitioner and Smt. Bhavana S. Rao for Smt.
Sadhana S. Desai, learned counsel for the respondent.

2. Petitioner is the husband, who suffered an order in
Crl.Misc.No.1915/2009, which was confirmed in Criminal Appeal
No.574/2010 under the provision of Protection of Women from
Domestic Violence Act, 2005.

3. Operative portion of the order of the trial Magistrate
reads as under:

"ORDER

- 1. The respondent 1 is hereby directed to provide
residence to the petitioner in Government*



Quarters No.87A, 5th Cross, Vasanthnagar. Bangalore. If the respondent renounces his rights in the said quarters in favour of the alternative Government, he is liable to provide an accommodation. to the petitioner with the same status of residence.

- 2. The respondent-1 is hereby directed to settle the home loan to the extent of is liable for which the petitioner shall not to concerned be made authority liable and the is o recover the amount from the respondent-1.*
- 3. If the respondent-1 resigned from the job, then all the benefits which accrued to shall be given to the petitioner.*
- 4. The respondents-2 to 6 are hereby directed not to aid or abate the Commissioner of the Domestic Violence by the respondent-1.*
- 5. Issue free copy of this orders to the petitioner as well as to the respondent.*
- 6. The office is directed to send a free copy of this order to the Jurisdiction police i.e., Highgrounds P.S.*
- 7. The office is further directed to issue copy of this order to the Principal, Government Arts College, Central College Campus, Bangalore-1.*
- 8. Further office is directed to send copy of order to Creditor the petitioner and the respondent-1."*



4. Operative portion of the order of the Appellate Court reads as under:

"ORDER

The appeal filed by the appellant u/sec. 29 of Prevention of Women from Domestic Violence Act, 2005 is hereby partly allowed.

The order passed by the VIII ACMM, Bengaluru in Crl.Misc. No.1915/2009 dated 19.6.2010 is hereby partly set aside in respect of relief No.3 only i.e. "If the respondent -1 resigned from the job, then all the benefits which accrued to shall be given to the petitioner." The rest of the reliefs granted by the lower court are hereby confirmed.

Parties shall bear their costs send the lower court records along with copy of this order to the lower court."

5. The grievance of the petitioner is that there was no fair opportunity granted to the respondent for placing the defence evidence on record. Therefore, the petition needs to be allowed and the matter is to be remitted back to the Trial Magistrate for placing the defence evidence.

6. Said submissions are opposed by the counsel for respondent with vehemence.



7. In the light of the arguments of both sides, this Court perused the material on record meticulously.

8. On such perusal of the material on record, it is crystal clear that not only fair opportunity but also sufficient opportunity was granted to the petitioner, who is the husband, to contest the case. But the petitioner has failed to utilize that opportunity.

9. Therefore, the contentions urged on behalf of the petitioner that there was no fair opportunity granted to the petitioner to contest the matter on merits cannot be countenanced in law. It is settled principles of law that a litigant take advantage of his own wrong.

10. Having said so, in view of the modified order passed by the First Appellate Court, especially since the petitioner has retired from government service, the respondent/wife cannot occupy government quarters for which the emoluments of the petitioner are said to have been withheld by the government.

11. Necessary steps are to be taken to evict the respondent/wife from the government quarters if she does not



vacate on or before 20.05.2026 on her own. If she overstays, the damages that are payable by the petitioner for having overstayed on the premises on account of the respondent occupying the premises shall be recoverable by the respondent/wife.

12. Further, it is the duty of the petitioner to make alternate arrangements for the wife. Therefore, if the petitioner/husband does not obey the order, necessary execution proceedings shall be initiated by the respondent/wife in accordance with law.

13. With the above observation and direction, petition stands ***dismissed***.

**Sd/-
(V SRISHANANDA)
JUDGE**

GJM
List No.: 2 Sl No.: 31