

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL REVISION PETITION NO.870 OF 2026

BETWEEN:

1. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

...PETITIONER

(BY SRI. S. BALAKRISHNAN, ADVOCATE)

AND:

1. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

...RESPONDENT

(BY SRI. AJAY PRABHU M., ADVOCATE)

THIS CRL.RP IS FILED UNDER SECTION 397 R/W 401 OF CR.PC (FILED U/S 438 R/W 442 BNSS) PRAYING TO SET ASIDE THE JUDGEMENT PASSED BY II ADDL. DISTRICT AND SESSIONS JUDGE, MANGALURU IN CRIMINAL APPEAL NO.140/2026 VIDE ORDER DATED 28.04.2026 AND TO SET ASIDE THE ORDER CONFIRMING THE SAME BY HONBLE JMFC (III COURT), MANGALURU, IN CRL. MISC.NO.01/2024 TO PAY A SUM OF RS.16,00,000/- AND ORDER DATED 03.02.2026



TOWARDS COLLEGE FEES FOR PURSUING POST-GRADUATION OF THE RESPONDENT.

THIS CRIMINAL REVISION PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 13.07.2026, THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

CAV JUDGMENT

This criminal revision petition is filed praying this Court to set aside the judgment passed by II Additional District and Sessions Judge, Mangalore in CrI.A.No.140/2026, vide order dated 28.04.2026, confirming the order passed by the learned JMFC (III Court), Mangalore in CrI.Misc.No.1/2024 dated 03.02.2026, to pay a sum of Rs.16,00,000/- to the respondent herein towards college fee for pursuing her Post Graduation.

2. The factual matrix of the case of the respondent herein i.e., petitioner No.2 in CrI.Misc.No.1/2024 is that, petitioner No.2 filed an application before the Trial Court praying to direct the respondent father to pay first year college fee for Post Graduation of petitioner No.2 to the tune of Rs.16,00,000/-. In support of the application, an affidavit is attached wherein it is stated that, she has successfully written NEET examination and secured a commendable rank. She has secured admission through Karnataka Examination Authority

('KEA' for short) counseling at Fr. Muller's Institute of Medical Education and Research, Mangalore, for post-graduation (M.D. Dermatology). She has secured the said admission for an annual fees of Rs.13,87,994/- payable to the KEA. Otherwise the cost of the said seat in the said institute is Rs.75,15,000/- per year. Apart from that, she need to pay annual fee of Rs.1,50,000/- to Fr. Muller's Institute of Medical Education and Research towards college/tuition fees and other miscellaneous expenses to bear towards books, stationary and medical equipment, etc. Hence, the total cost towards first year post graduation course will come to the tune of Rs.16,00,000/-. It is contended that she has no means of paying the aforesaid fees. She has borrowed money from her grandfather to meet the fee of Rs.13,87,994/- as there was urgency in payment of fee and she has paid the said fees on 02.12.2025. It is also contended that she requires to pay the college fee of Rs.1,50,000/- soon. She needs to repay her grandfather towards the amount borrowed from him to meet all other educational expenses. It is contended that if the application is allowed, no prejudice will be caused to the respondent, who is the father.

3. The respondent father filed objections stating that the application is filed with an intention to harass him and grab

as such money as possible. The respondent also denied that petitioner No.2 secured rank and admission through KEA counseling. If the petitioner had obtained very good rank, she would have been able to secure under the general merit category for which the annual fee would have been lesser than Rs.7,50,000/-. The petitioner has intentionally not revealed her rank and the category under which she has secured admission. It is further contended that during post graduation study, the petitioner is entitled to get a stipend of Rs.60,000/- per month for the first year. Hence, she can maintain her other day-to-day expenses stated in the affidavit. The grandfather of the petitioner is more than 75 years old and he was formerly an auto driver and at present he has no avocation to mobilize the amount of Rs.13,87,994/- to pay the same to the petitioner and the petitioner has not produced any scrap of paper to substantiate the said contentions. The mother of the petitioner had availed two gold loans for Rs.4,30,000/- and Rs.3,61,000/- from Bank of Baroda, which were repaid in December 2025 and the gold was released. This fact shows that the petitioner and her mother have huge funds at their disposal by doing idly business as stated in the written statement filed to the main petition. Apart from that, the mother of the petitioner is

working at M/s. Fernandes Brothers, Mangalore and she earns a considerable amount as salary. It is also contended that on account of mental illness of the respondent due to depression caused by harassment by the petitioner and her mother and lack of support from any family members, he also underwent a loss in his business. Only with an intention to make wrongful gain, the application is filed.

4. The Trial Court having considered the grounds urged in the application as well as in the statement of objections, taken note of the list of documents produced by the petitioner before the Court in support of the claim in paragraph No.9 and also the documents furnished by the respondent in paragraph No.10 and so also the expenses claimed by the respondent i.e., annual expenses to the tune of Rs.27,78,948/-. The Trial Court taken note of the grounds urged in paragraph No.12 and taken note of the documents as well as the petitioner has got All India Rank 11,722 and she has got admission in Fr. Muller's Medical College in M.D. and also specifically stated that the daughter and mother were not having any other source of income. The Trial Court taken note of amount was borrowed from the grandfather of petitioner No.2 and also taken note of a sum of Rs.14,00,000/- was

transferred to his granddaughter on 29.11.2025. In paragraph No.13, taken note of capability of the respondent to pay the amount that he is having transactions credit amount shown as Rs.21,25,000/-. On 22.09.2025 Rs.15,56,469/- debited, on the very same day Rs.5,65,575/- and Rs.74,974/- debited. The Trial Court also taken note of the fact that he has annual expenses of Rs.27,78,948/- and comes to the conclusion that nowadays MBBS without M.D. has no significant value in the medical field. The Trial Court having considered all these reasons, allowed the application filed under Section 20(d) of the Protection of Women from Domestic Violence Act, 2005 ('DV Act' for short) and directed the respondent to pay an amount of Rs.16,00,000/- to petitioner No.2.

5. Being aggrieved by the said direction to pay the amount of Rs.16,00,000/- towards education fee, an appeal is filed in Crl.A.No.140/2026. The Appellate Court having taken note of the grounds urged in the appeal memo, formulated the points whether petitioner No.2 has made out a ground to direct the respondent to pay Rs.16,00,000/- and whether the order passed by the Trial Court requires interference. Considering the grounds urged and also the material available on record, the Appellate Court, particularly in paragraph No.18, taken note of

that the income tax returns of the respondent indicates that he had acquired fixed assets in the year 2021. He acquired assets to the tune of Rs.1,34,44,130/- in the year 2021. The petitioner No.2 has produced the letter issued by the Bank of Baroda, which indicates the respondent availed O.D. loan of Rs.50,00,000/- on 05.08.2021, on 18.03.2022 he availed loan of Rs.32,18,000/- as housing loan, on 13.10.2023 he availed gold loan of Rs.4,71,000/-, he availed car loan of Rs.40,25,000/- on 08.11.2023, again he availed gold loan of Rs.11,00,000/- on 08.11.2023. The total outstanding balance loan was Rs.1,27,96,529/-. The Appellate Court having taken note of all these facts into consideration, comes to the conclusion that even though the daughter has attained majority, it is the duty of the father to meet the educational expenses of his daughter, since the wife and daughter are not having any other income and also comes to the conclusion that the application under Section 20(d) of the DV Act is maintainable and confirmed the order of the Trial Court.

6. Being aggrieved by the order of the Trial Court and also the Appellate Court, the present revision petition is filed before this Court.

7. The main contention of the learned counsel for the revision petitioner before this Court is that the findings recorded by both the Courts are not based on any evidence and both the Courts ignored the material on record and also the provision of law. It is contended that the respondent daughter was born on 17.08.2000 and attained the age of majority on 17.08.2018. On the date of filing the petition, she was aged about 23 years. She completed her degree in MBBS totally funded by the petitioner. Now, instead of taking the profession as a doctor, she opted to pursue post graduation at the cost of her father and the same is only with the sole intention of subjecting him to agony, as he is already under depression. The learned counsel also contend that now she is receiving Rs.60,000/- as monthly stipend.

8. The other contention of the learned counsel for the revision petitioner is that the daughter had filed an application under Section 20(d) of the DV Act. Section 20(d) of the DV Act says that, the maintenance for the aggrieved person as well as her children, if any, including an order under or in addition to an order of maintenance under Section 125 of the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force. The learned counsel would contend that the

definition of "aggrieved person" under Section 2(a) of the DV Act would refer to a "woman" and not a "child" as defined under Section 2(b) of the DV Act. It is contended that the respondent attained the age of majority on the date of filing the petition and as such would not fall within the definition of aggrieved person. The learned counsel also would contend that the definition of "domestic relationship" under Section 2(f) of DV Act means a relationship between two persons who at any point of time lived together in a relationship of marriage in a shared household. Therefore, the respondent-daughter who attained the age of 24 years could not invoke the provisions of DV Act. Section 12 of DV Act provides only for an aggrieved person or a protection officer or any other person on behalf of aggrieved person may present an application under DV Act. Likewise, even Sections 20 and 22 of the DV Act provides remedy to aggrieved person.

9. The learned counsel for the revision petitioner in support of his arguments relies upon the judgment of this Court in the case of **G.KALASEGOWDA v. SMT. N.K. NETHRAVATHI** passed in Crl.R.P.No.795/2015 c/w Crl.R.P.No.1031/2025, dated 23.08.2023 and brought to the notice of this Court paragraph No.10, wherein reference was

made with regard to Section 20(1)(d) and there is a provision for awarding maintenance to the aggrieved person as well as the children. The definition of the child is given in Section 2(d) of the Act, wherein child is described as any person below the age of 18 years and it includes adopted, step or foster child. Hence, under the provisions of Section 20, maintenance can be awarded only to aggrieved person and children.

10. The learned counsel also relied upon the judgment of this Court in the case of **BHASKAR REDDY v. MS. ROSHINI** passed in Crl.R.P.No.528/2025 dated 29.01.2026 and brought to the notice of this Court that this Court referred the judgment of **Kalasegowda** (supra) and judgment in the case of **RAJNESH v. NEHA AND ANOTHER** reported in **(2021) 2 SCC 324**. The learned counsel brought to the notice of this Court paragraph No.29, wherein definition of aggrieved person under Section 2(a) of DV Act was taken note of and Section 2(a) of DV Act would refer to a woman and not a child, which is defined separately under Section 2(b) as person aged below 18 years of the age. The learned counsel referring this judgment would contend that the respondent is not entitled for any maintenance.

11. The learned counsel also relies upon the judgment of the Apex Court in the case of **ABHILASHA v. PARKASH AND OTHERS** reported in **(2021) 13 SCC 99**, wherein it is held that daughter is not entitled to claim maintenance under Section 125 of Cr.P.C. However, she is entitled to claim maintenance till her marriage under Section 20(3) of the Hindu Adoptions and Maintenance Act, 1956 and proper forum for claiming such maintenance by major unmarried Hindu daughter is before the jurisdictional Family Court and not Magistrate under Section 125 of Cr.P.C.

12. Per contra, the learned counsel for the respondent would vehemently contend that both the Courts have taken note of the capability of the revision petitioner herein to meet the educational expenses of unmarried daughter. The learned counsel would contend that the respondent is not earning and still she is pursuing her education. The amount of Rs.16,00,000/- is including tuition fee/college fee and other expenses and earlier also the respondent approached the Trial Court and this Court and this Court also directed the petitioner to meet the educational expenses. The learned counsel would contend that definition under Section 2(a) of DV Act is with regard to "aggrieved person" and Section 2(b) is with regard to

attaining the age of majority and the same will not disentitle the respondent from getting the educational support from the father. It is contended that at the time of admission to MBBS course, both father and mother were living together and thereafter, differences were arisen between them. It is contended that the respondent has continued her post graduation after getting good rank all over the India and fee is also a nominal fee. The learned counsel would contend that the father is staying in the ground floor and the mother and the daughter are staying in the first floor. While doing MBBS, both father and mother were living together. When such being the case, being the father, he has to take care of the child as well as to provide education to the daughter. The learned counsel would contend that even though the respondent has attained the age of majority, she is not earning.

13. The learned counsel for the respondent in support of his arguments, relies upon the documents of her educational career i.e., marks cards of the respondent pertaining to MBBS, registration pass pertaining to PG NEET examination, final seat allotment list, bank statement of the respondent, receipt towards the payment of fees, latest bank account of the petitioner, affidavit of the grandfather of the respondent for

having helped in getting admission, I.T. returns of the petitioner, loan details of the respondent and the order dated 15.11.2024 passed in CrI.A.No.147/2024.

14. The learned counsel also relies upon the judgment of this Court in the case of **KUM. BHAVANA N. v. SRI NAGARAJU S** passed in CrI.R.P.No.556/2025 dated 25.09.2025. The learned counsel referring this judgment would contend that this Court in detail discussed the scope of Section 20 of the DV Act. Under Section 20 of the DV Act, while claiming monetary reliefs, the aggrieved person is also entitled to claim such monetary reliefs not only on her behalf, but also on behalf of her children. The learned counsel also brought to the notice of this Court paragraph Nos.20, 21 and 22 of the judgment, wherein Section 20 of the DV Act is discussed. A daughter as soon as she attains majority, fall under the definition of women and as such may become an aggrieved person, if she is able to establish that she is subjected to domestic violence as defined under Section 3. A daughter on whose behalf monetary reliefs were sought, on attaining majority, falling under the definition of aggrieved person would be entitled for the monetary reliefs. The learned counsel contend that the very contention that she is a major and not

comes within the definition of Section 2(b) of DV Act, cannot be accepted.

15. The learned counsel also relies upon the judgment of Allahabad High Court in the case of **NAIMULLAH SHEIKH AND ANOTHER v. STATE OF U.P. AND OTHERS**, neutral citation No.2024:AHC:4853 and brought to the notice of this Court the discussion made in respect to Section 20 of the DV Act and exercising the powers of the Magistrate for providing education.

16. The learned counsel also relies upon the judgment of the Apex Court in the case of **NEELIMA CHOURE v. VIJAY CHOURE AND ANOTHER** dated 02.01.2025 passed in Criminal Appeal No.10/25 and brought to the notice of this Court paragraph No.8, wherein the Apex Court taken note of that Rs.43,00,000/- is an amount to which respondent No.2 was entitled to in law. She, being the daughter, has an indefeasible, legally enforceable, lawful and legitimate right to secure educational expenses from her parents. It is observed that the daughter has a fundamental right to pursue her education, for which the parents could be compelled to provide necessary funds within the limit of their financial resources.

17. Having heard the learned counsel for the revision petitioner and the learned counsel for the respondent and also considering the principles laid down in the judgments referred supra, the points that would arise for the consideration of this Court are:

- (i) Whether the major daughter, who is unmarried can invoke Section 20 of the DV Act for monetary relief to pursue her post graduation and whether attainment of majority of an unmarried daughter disentitles her from getting the compensation under Section 20 of the DV Act?
- (ii) What order?

Point No.(i):

18. Having heard the learned counsel for the revision petitioner and the learned counsel for the respondent, this Court would like to make a mention of undisputed facts. There is no dispute that the respondent herein is the daughter of the petitioner herein. It is also an undisputed fact that when she had joined the MBBS course, at that time, both the parents were living together. But when the respondent daughter was pursuing her medical examination, differences were arisen between the husband and wife. The fact is that the daughter

has pursued her MBBS and also got good rank all over India. Though at the first stage it is disputed, but she has placed on record the material with regard to that she has got All India rank 11,722. It is also not in dispute that she is admitted to Father Muller's Medical College, Mangalore for P.G. Course. The respondent has also produced the document for having paid the fee to the P.G. Course to the tune of Rs.13,87,994/- and also she has to meet the college/tuition fee and other incidental expenses. The Trial Court granted an total amount of Rs.16,00,000/-. With regard to borrowing of the amount from the grandfather also, the respondent has placed on record the copy of bank statement of the respondent to show that an amount of Rs.14,00,000/- was transferred to her account. Hence, there is no dispute with regard to the payment of fee as well as other additional fees.

19. The Trial Court and the Appellate Court also comes to the conclusion that it is the bounden duty of the father to meet the educational expenses of the daughter. But the learned counsel for the revision petitioner relies upon the judgment of this Court in the case of **Kalasegowda** (supra) and **Bhaskar Reddy** (supra). The learned counsel also relies upon the judgment of the Apex Court in the case of **Abhilasha** (supra).

No doubt, the Apex Court in this judgment held that, unmarried daughter having attained majority cannot seek relief under Section 125 of Cr.P.C. and can seek relief under the Hindu Adoptions and Maintenance Act. Having taken note of the principles laid down in the judgments referred supra relied upon by both the learned counsel for the revision petitioner and the learned counsel for the respondent, the Apex Court in its recent judgment in the case of **Neelima Choure** (supra), having taken note of the dispute between the parties, in paragraph No.8 held that, when the daughter is pursuing her education, she has an indefeasible, legally enforceable, lawful and legitimate right to secure educational expenses from her parents. Further observation is made that the daughter has a fundamental right to pursue her education, for which the parents could be compelled to provide necessary funds within the limit of their financial resources. The Apex Court has categorically held that it is the bounden duty of the parents to meet the same. The learned counsel for the respondent also relies upon the judgment of this Court in the case of **Bhavana** (supra) and this Court also taken note of the wide meaning of definition of Section 2(a) aggrieved person. The learned counsel also relies upon the judgment of the Allahabad High

Court in the case of **Naimullah Sheikh** (supra) and there is no dispute with regard to the principles laid down in the said judgments.

20. This Court would like to extract Sections 2(a), 2(b) and 20 of the DV Act, which reads as follows:

"2.(a) "aggrieved person" means any woman who is, or has been, in a domestic relationship with the respondent and who alleges to have been subjected to any act of domestic violence by the respondent;

(b) "child" means any person below the age of eighteen years and includes any adopted, step or foster child.

20. Monetary reliefs.—(1) While disposing of an application under sub-section (1) of section 12, the Magistrate may direct the respondent to pay monetary relief to meet the expenses incurred and losses suffered by the aggrieved person and any child of the aggrieved person as a result of the domestic violence and such relief may include, but not limited to,—

- (a) the loss of earnings;
- (b) the medical expenses;
- (c) the loss caused due to the destruction, damage or removal of any property from the control of the aggrieved person; and

(d) *the maintenance for the aggrieved person as well as her children, if any, including an order under or in addition to an order of maintenance under section 125 of the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force.”*

(2) *The monetary relief granted under this section shall be adequate, fair and reasonable and consistent with the standard of living to which the aggrieved person is accustomed.*

(3) *The Magistrate shall have the power to order an appropriate lump sum payment or monthly payments of maintenance, as the nature and circumstances of the case may require.*

(4) *The Magistrate shall send a copy of the order for monetary relief made under sub-section (1) to the parties to the application and to the in-charge of the police station within the local limits of whose jurisdiction the respondent resides.*

(5) *The respondent shall pay the monetary relief granted to the aggrieved person within the period specified in the order under sub-section (1).*

(6) *Upon the failure on the part of the respondent to make payment in terms of the order under sub-section (1), the Magistrate may direct the employer or a debtor of the respondent, to directly pay to the*

aggrieved person or to deposit with the court a portion of the wages or salaries or debt due to or accrued to the credit of the respondent, which amount may be adjusted towards the monetary relief payable by the respondent."

21. This Court would like to rely upon the judgment of the Madras High Court in the case of **JAGADESAN v. STATE OF TAMIL NADU AND OTHERS** reported in **(2015) 1 MWN (Cr.) 451**, wherein Sections 12, 20 and 23 of the DV Act is discussed in length. Paragraph Nos.37, 38 and 39 of the said judgment reads as under:

"37. The Protection of Women from Domestic Violence Act, 2005 (Act 43 of 2005), is enacted to provide for more effective protection of the rights of women guaranteed under the Constitution, who are victims of violence of any kind occurring within the family and for matters connected therewith or incidental thereto. As per Section 2(f), "domestic relationship" means a relationship between two persons, who live or have, at any point of time, lived together in a shared household, when they are related by consanguinity, marriage, or through a relationship in the nature of marriage, adoption or are family members living together as a joint family.

38. Monetary relief is defined under Section 2(k), which means, the compensation which the Magistrate

may 'order the respondent to pay to the aggrieved person, at any stage during the hearing of an application seeking any relief under this Act, to meet the expenses incurred and the losses suffered by the aggrieved person as a result of the domestic violence.

39. Section 3(d)(iv) of the Act, defines, "Economic abuse", as follows:

"(a) deprivation of all or any economic or financial resources to which the aggrieved person is entitled under any law or custom whether payable under an Order of a Court or otherwise or which the aggrieved person requires out of necessity including, but not limited to, household necessities for the aggrieved person and her children, if any, stridhan, property, jointly or separately owned by the aggrieved person, payment of rental related to the shared household and maintenance;

(b) disposal of household effects, any alienation of assets whether movable or immovable, valuables, shares, securities, bonds and the like or other property in which the aggrieved person has an interest or is entitled to use by virtue of the domestic relationship or which may be reasonably required by the aggrieved person or her children or her stridhan or any other property jointly or separately held by the aggrieved person; and

(c) prohibition or restriction to continued access to resources or facilities which the aggrieved person is entitled to use or enjoy by virtue of the domestic relationship including access to the shared household."

22. The Madras High Court in paragraph No.43 of the judgment held that, as per Section 23 of the Act, the Magistrate has got powers to grant interim ex parte orders, as he deems just and proper, if he is satisfied that the application prima facie discloses that the respondent is committing, or has committed an act of domestic violence or that there is a likelihood that the respondent may commit an act of domestic violence, he may grant an ex parte order, on the basis of an affidavit in such form, as may be prescribed, of the aggrieved person under Section 18, Section 19, Section 20, Section 21 or, as the case may be, Section 22 against the respondent. The first contention of the learned counsel for the revision petitioner that no inquiry and no evidence was recorded, cannot be accepted and the same can be passed based on the affidavit.

23. The Madras High Court in paragraph No.48 also taken note of the judgment in the case of **RAJESH KURRE v. SAFURABAI** reported in **AIR 2009 (NOC) 813 (CHH)**, wherein it is held that under Section 20(1)(d) of the Act, the aggrieved party is required to prove that he or she is unable to maintain himself/herself and having no means to maintain. On the other hand, the non-applicants therein have submitted that maintenance under Section 20 of the Act, is in addition to, an

order of maintenance under Section 125 of the Code and therefore, at the time of passing of any order, under Section 20 of the Act, the Court is not required to examine the case, in accordance with the provisions of Section 125 of the Code.

24. The Madras High Court in paragraph No.51 taken note of the judgment of the Supreme Court in the case of **SAVITRI v. GOVIND SINGH RAWAT** reported in **AIR 1986 SC 984** and even extracted the paragraph with regard to scope of Section 125 of Cr.P.C. and referring the said judgment observed that, the Apex Court held that the Magistrate has the power to pass an interim order, for maintenance, pending disposal of the main application, filed under Section 125 of the Code. In the case on hand, the Protection of Women from Domestic Violence Act, 2005 is a special enactment. It empowers the Magistrate to pass all orders, permissible under Sections 18 to 22, even at the interim stage. This Court would like to extract paragraph No.63 of the judgment in respect of discussion made with regard to Section 20 of the Act, which reads as follows:

"63. As per Section 20 of the Act, while disposing of an application under sub-section (1) of section 12, the Magistrate may direct the respondent to pay

monetary relief to meet the expenses incurred and losses suffered by the aggrieved person and any child of the aggrieved person as a result of the domestic violence and such relief may include, but not limited to, (a) the loss of earnings; (b) the medical expenses; (c) the loss caused due to the destruction, damage or removal of any property from the control of the aggrieved person; and (d) the maintenance for the aggrieved person as well as her children, if any, including an order under or in addition to an order of maintenance under section 125 of the Code of Criminal Procedure, 1973 or any other law for the time being in force.”

25. This Court also would like to extract paragraph Nos.69 and 70 of the said judgment, which reads as follows:

69. In a given case, the child may be studying in a good school. Due to deprivation of economic or financial assistance, wife may not be in a position to provide the same standard of education. When the parties lived together and when there was no domestic violence, the child would have been provided with all the care and assistance, either by the husband or wife or any other near relative, and when the same is lost, on account of domestic violence or when there is loss of continued support from other sources, then there would be a necessity, to seek for appropriate interim orders, against the respondents, under Section 23 of the Act. Necessity

for claiming all the reliefs, cannot be visualised, at the time of filing an application, under Section 12 of the Act. Instances, stated supra, are only illustrative. There can be other valid reasons also, for the aggrieved person, to seek for any or all of the orders, that can be granted by the Court, under Sections 18 to 23, during any stage of hearing of an application, seeking for any relief, under the Act.

70. Seeking monetary relief, by way of an interim order, depends upon the facts and circumstances of each case. If the contention of the petitioner that lumpsum payment can be awarded, only at the time of final disposal of the main application filed under Section 12 of the Protection of Women from Domestic Violence Act, 2005, has to be accepted, then the aggrieved person, who is in dire necessity to meet the medical expenses to herself or her child/children, educational expenses to the children, would be put to irreparable hardship.

26. The Madras High Court having taken note of the same, held that, monetary relief granted under Section 20 of the Act, shall be adequate, fair and reasonable and consistent with the standard of living to which the aggrieved person is accustomed. In paragraph No.73 it is held that, in Section 20 of the Act, the Legislature has used the expression "*but is not limited to*". In other words, the inference that could be safely

drawn, is that apart from what is specifically mentioned in Section 20 of the Act, the Magistrate can pass appropriate orders, for any kind of deprivation of economic loss incurred by his wife. The expression "*but is not limited to*" should be interpreted as "*means and includes*". The Madras High Court also taken note of the judgments of the Apex Court, dealing with the expression, "*means and includes*", in the cases of **DILWORTH v. COMMISSIONER OF STAMPS** reported in **1899 AC 99**, **V.F. & G INSURANCE CO. v. FRASER & ROSS** reported in **AIR 1960 SC 971**. This Court would like to extract paragraph Nos.74 and 75, which reads as follows:

"74. Economic abuse means deprivation of all or any economic or financial resources to which the aggrieved person is entitled under any law or custom. It is customary that father is morally bound to maintain his wife and child, by providing basic amenities like, food, shelter and clothing. He is also bound to provide health and education. Protection of Women from Domestic Violence Act, 2005, is intended to provide for more effective protection of the rights of women guaranteed under the Constitution.

75. Eventualities and necessity to seek for just and proper orders, cannot be visualised, at the time, when Section 12 application is filed. That is why, the

Legislature has defined the words, "economic abuse", as including, all the deprivation or any economic or financial resources to which the aggrieved person is entitled to, under any law or custom. Every word and expression used in the Protection of Women from Domestic Violence Act, 2005, has to be interpreted to mean that the Legislature has carved out the same, with a clear intent and purpose."

27. The Madras High Court in paragraph No.76, discussed about the role and duties of a father and education. The good which a father can do to his son, is to prepare him, for a prominent role in the assembly of the learned. One's learning alone is one's indestructible and outstanding wealth, nothing else possesses this special value. This Court also would like to extract paragraph No.77, which reads as follows:

"77. Family is one of the most cherished facet of any human being. Father has an obligation to provide love and affection, righteousness basic amenities and the most important among others, health and education and the necessities of life. He has a unique role in the family. Protection intended in the Act is exhaustive. He is legally and morally obligated to provide all material needs and responsible to provide means of livelihood in all forms. His role is not stopped on the child attaining majority.

28. The Madras High Court also held that monetary relief that can be granted, under Section 20 of the Act, should be adequate, fair and reasonable and consistent with the standard of living to which the aggrieved person is accustomed. It is the duty of the father to provide education to the child and for continuation of the child's education, certainly there is a necessity to seek for suitable orders under Section 23 of the Act. Child is defined under Section 2(b) of the Act, as any person, below the age of 18 years and includes any adopted, step or foster child. One of the contentions raised is that soon has attained majority and therefore, cannot be any order of maintenance, cannot be accepted. It is the obligations of the parents to provide basic amenities, health and education, cannot be said to be extinguished, on the child, attaining majority. While defining economic abuse, the Legislature has also included deprivation of all or any economic or financial resources to which the aggrieved person is entitled under any law or custom. It is the custom and practice that everywhere in the world that parents are morally obligated to provide basic amenities, including health and education. If the contention of the petitioner that the child is not entitled to maintenance or educational expenses, on attaining majority, is accepted, then

the expression, "in addition to", employed in Section 20(1)(d) would be otiose. As per Section 2(k), the compensation which the Magistrate may order the respondent to pay to the aggrieved person, at any stage during the hearing of an application seeking any relief under this Act, to meet the expenses incurred and the losses suffered by the aggrieved person, as a result of the domestic violence.

29. Having taken note of the detailed discussion, the Madras High Court in paragraph No.93 comes to the conclusion that, an order under Section 20(d) is not limited to maintenance for the aggrieved person, as well as the children and it includes, an order under or in addition to an order of maintenance under Section 125 of Cr.P.C. or any other law for the time being in force. Manifest intention of the Legislature, conferring power on the Magistrate, to direct the respondent to pay monetary relief, to meet the expenses incurred and the loss suffered by the aggrieved person, is abundantly clear. If the Legislature has intended to restrict an order under Section 20(d), only for maintenance, then there is no need for the usage of the expression, "but is not limited to". Section 20(d) of the Act makes it clear that in addition to the maintenance, under Section 125 of Cr.P.C. or any other law for the time

being in force, the Magistrate is empowered to pass an order, granting monetary reliefs. The expressions, "but is not limited to" in Section 20(1) of the Act and "in addition to maintenance", have wide connotation and amplitude and the power of the Magistrate is not circumscribed to only (a) the loss of earnings; (b) the medical expenses; (c) the loss caused due to the destruction, damage or removal of any property from the control of the aggrieved person; and (d) the maintenance for the aggrieved person as well as her children, if any, including an order under or in addition to an order of maintenance under Section 125 of Cr.P.C. or any other law for the time being in force.

30. The detailed discussion of the judgment of the Madras High Court, is very clear that Section 20 of the DV Act is for monetary relief in addition to the maintenance and the father has to meet the educational expenses of the daughter whether it is for under graduation or post graduation and it is the obligation on the part of the father to pay the maintenance. The expressions, "but is not limited to" in Section 20(1) of the Act and "in addition to maintenance", have wide connotation and amplitude and the power of the Magistrate is not restricted. Hence, the very contention of the learned counsel for the

revision petitioner that when she attained majority, she can pursue her education by obtaining the bank loan, cannot be a ground to set aside the order of the Trial Court and the Appellate Court. The Court has to take note of that the daughter is not earning money and she is pursuing her education and the same is a continuous education of under graduation and post graduation. In the present case on hand, it is very clear that at the time of admitting the child to MBBS, both parents were living together and there were no differences and later differences were arisen while pursuing her under graduation.

31. The other contention is that the very daughter disowns the father and hence, she is not entitled for payment of fee. The Court has to take note of the fact that she was admitted to MBBS with the consent of both the parents and the father was also a part of admitting her to MBBS. When such being the case, the revision petitioner now cannot say that he cannot pay the fee towards the post graduation and it is the obligation on the part of the father and economically he is doing business and transaction is more than Crores and is able to avail loan and clear the same from his business. The records clearly disclose his income and his business and he availed the

loan in different years i.e., 2021, 2022 and 2023, which establishes his financial capacity and the same was taken note of by the Appellate Court while confirming the order of the Trial Court. When such being the case, I do not find any force in the contention of the learned counsel for the revision petitioner that the father is not liable to pay any educational expenses after she has attained the majority. Hence, I answer the point accordingly.

Point No.(ii):

32. In view of the discussions made above, I pass the following:

ORDER

The criminal revision petition is dismissed.

**Sd/-
(H.P.SANDESH)
JUDGE**

MD