



IN THE HIGH COURT OF KARNATAKA

AT BENGALURU

DATED THIS THE 8TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO.25668 OF 2023 (GM-FC)

BETWEEN:

SRI. H. N. NARESH KUMAR
S/O LATE H. B. NARAYANAPPA,
AGED ABOUT 47 YEARS,
R/AT NO.2, HANUMANTHEGOWDA PALYA,
YENTAGANAHALLI POST,
NELAMANGALA TALUK,
BANGALORE RURAL DISTRICT
BANGALORE-562 123.

...PETITIONER

(BY SRI CHOKKAREDDY, ADVOCATE)

AND:

SMT. JYOTHI LAKSHMI. M.
W/O H. N. NARESH KUMAR,
AGED ABOUT 37 YEARS,
R/AT NO.2, HANUMANTHEGOWDA PALYA,
YENTAGANAHALLI POST,
NELAMANGALA TALUK,
BANGALORE RURAL DISTRICT
BANGALORE-562 123.

...RESPONDENT

(BY SRI M. N. RAGHU, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF
THE CONSTITUTION OF INDIA PRAYING TO ISSUE WRIT OF





CERTIORARI BY QUASHING ANNEXURE-A DATED 21/07/2023, IN I.A.NO.3 BY ALLOWED BY THE 1ST ADDL. PRINCIPAL JUDGE, FAMILY COURT IN M.C.NO.4933/2021 BY AWARDING MONTHLY INTERIM MAINTENANCE OF RS.15,000/- TO RESPONDENT AND HIS MINOR DAUGHTER OF RS.5,000/- AND ALSO FURTHER GRANTING ONE TIME LITIGATION EXPENSES OF RS.25,000/- B) TO GRANT SUCH OTHER RELIEFS AND DEEMS FIT UNDER FACTS AND CIRCUMSTANCE OF THE CASE BY ALLOWING THE WRIT PETITION, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS PETITION COMING ON FOR PRONOUNCEMENT OF ORDERS THIS DAY, ORDER WAS PRONOUNCED THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

CAV ORDER

Seeking a writ of certiorari and to quash the order that is rendered by the Court of I Additional Principal Judge, Family Court, Bengaluru on I.A.No.III in M.C.No.4933/2021 dated 21.07.2023, this writ petition is filed.

2. The relationship between the parties is not in dispute. Hence writ petitioner will hereinafter be referred to as 'husband' and the respondent 'wife'. The matter was heard on petitioner's side on 18.02.2006. Despite granting



sufficient time and opportunities, the respondent did not submit her contentions.

3. As per the material available on record, husband filed a petition against the wife seeking a decree of dissolution of marriage. Wife filed an interlocutory application vide I.A.No.III seeking the Court to direct her husband to pay a sum of Rs.1,00,000/- towards litigation expenses and interim maintenance of Rs.25,000/- per month for her travel, medical, clothing and other personal expenses.

4. Family Court through the impugned order directed the husband to pay wife a sum of Rs.15,000/- per month and to daughter a sum of Rs.5,000/- per month towards interim maintenance. Further the Court directed the husband to pay wife a sum of Rs.25,000/- towards one time litigation expenses.

5. Sri Chokkareddy, learned counsel who represented the husband contended that due to arrogance



of the wife dispute arose between the spouses. Wife did not give minimum respect to her mother-in-law. His client worked as Senior Marketing Executive Officer at Raghavendra Hospital, Bengaluru from 2000 to 2007. Thereafter he worked as Billing in Charge at Suguna Hospital, Bengaluru. Later he joined Harsha Hospital, Nelamangala Town. While he was working there, wife used to call the staff of the hospital and used to verify about the presence of her husband there. Due to harassment of his wife he stopped working anywhere. Wife and husband are residing in the same house along with their daughter. His client is taking care of all the necessities of the daughter including her education. He is also providing basic necessities to his wife. Learned counsel states that though wife did not claim any amount whatsoever towards maintenance of the daughter, Family Court directed his client to pay his daughter a sum of Rs.5,000/- per month. Learned counsel also submitted that as of now he is not working anywhere. Learned



counsel therefore seeks to allow the writ petition and quash the impugned order as prayed for.

6. There is no discussion in the impugned order with regard to earnings of the husband and his financial capacity. Wife in the affidavit filed by her in support of her application claiming interim maintenance made a clear mention that she is residing in the same residence along with her husband. Her version is that except food nothing is being provided by her husband. Nowhere she mentioned that the child was not taken care of by her husband. Husband did not produce any material whatsoever to show that he is taking care of medical and other basic necessities of his wife. Therefore considering totality of the facts and circumstances, this Court is of the view that the Family Court erred in awarding maintenance to the daughter where such claim is not made at all by anyone and also awarding huge sum of Rs.15,000/- per month towards interim maintenance of the wife. This Court is of the view that as the wife is residing with the



husband in the same house and husband is looking after food and shelter of the wife, for other basic necessities, husband can only be directed to pay wife a sum of Rs.5,000/- per month towards interim maintenance. Therefore the writ petition is disposed of with the following:

ORDER

- i. The order that is rendered by the Court of I Additional Principal Judge, Family Court, Bengaluru on I.A.No.III in M.C.No.4933/2021 dated 21.07.2023 is modified in toto.
- ii. Petitioner/husband is directed to pay respondent/wife a sum of Rs.5,000/- per month towards interim maintenance from the date of petition filed for grant of such a relief until further orders by the Family Court.



- iii. Petitioner/husband shall also pay the litigation expenses to the extent as ordered by the Family Court.
- iv. All arrears to be cleared within three months.
- v. It is made clear that this order does not prevent wife to claim maintenance for her daughter by filing a separate application to that effect in case such necessity arises.

**Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE**

SRT
List No.: 19 SI No.: 1
CT:SI