



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO.1940 OF 2025 (GM-FC)

BETWEEN:

SRI. RACHIT GOYAL,
SON OF LATE SANTHOSH GOYAL,
AGED ABOUT 35 YEARS,
R/AT NO 32, 2ND CROSS,
AMBEDKAR NAGAR,
MODI NAGAR TOWN,
GHAZIABAD,
UTTAR PRADESH - 201001.

...PETITIONER

(BY SRI. Y. NAGARAJ , ADVOCATE FOR
SRI. C SHANKAR REDDY.,ADVOCATE)

AND:

SMT. SHASHI KUMARI,
DAUGHTER OF NETRAPAL SINGH,
WIFE OF RACHIT GOYAL,
AGED ABOUT 36 YEARS,
R/AT FALT NO 501,
SILVER SPRING LAYOUT,
SPICE GARDEN,
MARATHAHALLI,
BENGALURU - 560037.

...RESPONDENT

(BY SRI. KALEEMULLA SHARIFF, ADVOCATE FOR
SRI. HUSSAIN MUEEN FAROOQ, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
QUASHING THE ORDER DATED 02.09.2024 MADE IN

Digitally signed
by AASEEFA
PARVEEN
Location: HIGH
COURT OF
KARNATAKA



M.C.NO.2559/2021 ON THE FILE OF THE II ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, BENGALURU ON IA NO.II FILED UNDER SECTION 24 OF THE HINDU MARRIAGE ACT, PRODUCED AND MARKED AS ANNEXURE - A TO THE WRIT PETITION AND REJECT THE SAID APPLICATION.

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

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL ORDER

Heard Sri.Nagaraj who represents Sri.C.Shankar Reddy, learned counsel on record for the petitioner as well as Sri.Kaleemulla Shariff who represents Sri.Hussain Mueen Farooq, learned counsel on record for the respondent.

2. Seeking the Court to issue a writ of certiorari and to quash the order that is rendered by the Court of II Additional Principal Judge, Family Court, Bengaluru on IA No.II in MC No.2559/2021 dated 02.09.2024, this writ petition is filed.



3. Learned counsel for the petitioner submits that petitioner is the husband of respondent. Respondent filed IA No.II under Section 24 of the Hindu Marriage Act seeking interim maintenance of Rs.50,000/- per month apart from litigation expenses of Rs.1,00,000/-. She filed IA No.II contending that she is unable to maintain herself and therefore, she requires maintenance. Learned counsel states that respondent-wife indeed is an employee. She is also an income tax assessee. Respondent works as Financial Analyst at TATA Consultancy Services Company, Bengaluru. The document produced at Annexure-K discloses her photograph, her card number, the associate number and the place where she works. Learned counsel also states that respondent/wife filed a transfer petition before Hon'ble Supreme Court of India seeking for transfer of MC No.2425/2020 from the Court of Principal Judge, Family Court, Ghaziabad, Uttar Pradesh to the Court of Principal Judge, Family Court, Bengaluru. In her pleadings, she made a clear mention that she works at Bengaluru



City and therefore, it is inconvenient for her to attend the case which is pending at the Court in Ghaziabad, Uttar Pradesh and therefore, the case is required to be transferred. Thus it is clear that respondent/wife is an employee. Learned counsel also states that respondent/wife filed income tax returns for the financial year 2020-2021 where under the head 'type of return', she made a clear mention 'salary'. Learned counsel submits that without considering these documents, Family Court directed petitioner to pay respondent a sum of Rs.6,000/- per month towards interim maintenance apart from Rs.10,000/- towards litigation expenses and therefore, the said order is liable to be set aside.

4. Learned counsel for respondent on the other hand submits that respondent was working earlier but she resigned to her job. Learned counsel failed to state the date on which respondent resigned her job and the date from which she stopped working. On a query posed by this Court, learned counsel for the respondent fairly conceded



that respondent has not disclosed anything about her employment in the affidavit given by her in support of IA No.II. As per the material available on record, IA No.II was filed by the respondent on 22.04.2021. Her version is that by the date she was not under employment. However, there is no denial of the fact that she filed transfer petition on 01.07.2021 and in the transfer petition she made a mention that she is working at Bengaluru City and therefore, it is inconvenient for her to attend Court hearing at Ghaziabad, Uttar Pradesh. Thus by 01.07.2021 if respondent/wife is working, it has to be held that her application filed on 22.04.2021 for grant of interim maintenance that too without disclosing the fact that she is working is not maintainable. But Family Court without discussing and considering these facts has passed the impugned order directing the petitioner to pay respondent a sum of Rs.6,000/- per month towards interim maintenance.



5. It may be a fact that the amount which the petitioner is drawing is more than what respondent is getting towards salary. But as the respondent has suppressed the material facts and filed an application for grant of interim maintenance, this Court is of the view that the impugned order by which petitioner was directed to pay respondent interim maintenance is required to be set aside.

6. Therefore, the writ petition is disposed of with the following:

ORDER

- (i) The writ petition is *allowed*.
- (ii) The order rendered by the Court of II Additional Principal Judge, Family Court, Bengaluru on IA No.II in MC No.2559/2021 dated 02.09.2024 is set aside.
- (iii) However, it is made clear that all the observations made by this Court regarding the



merits of the matter are confined for disposal of this writ petition and none of the observations made shall influence the Family Court for arriving at any conclusion in rendering orders in MC No.2559/2021 or in any other pending interlocutory applications or other petitions/applications, if any, to be filed.

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

NS
CT:TSM
List No.: 1 Sl No.: 49