



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO. 4035 OF 2022 (GM-FC)

C/W.

WRIT PETITION NO. 8532 OF 2024 (GM-FC)

IN WP No. 4035/2022

BETWEEN:

SRI. T.V. VIKAS
SON OF LATE T.S. VIJAY KUMAR
AGED ABOUT 33 YEARS
R/AT SHAMBAVI NILAYA
8TH CROSS, MAHALAKSHMI NAGARA
NEAR RAILWAY TRACK
TUMAKURU - 572 102.

...PETITIONER

(BY SRI. YESHVANTH, ADVOCATE FOR
SRI. K.V. NARASIMHAN, ADVOCATE)

AND:

SMT. T.S. GAYATHRI
D/O SRI. SIDDAGANGAPPA T.G
WIFE OF T.V. VIKAS
AGED ABOUT 27 YEARS
R/AT GOWDARA BEEDHI,
AGRAHARA, TUMAKURU - 572 101.

...RESPONDENT

(BY SRI. V.B. SIDDARAMAIAH, ADVOCATE)

Digitally signed
by AASEEFA
PARVEEN

Location: HIGH
COURT OF
KARNATAKA



NC: 2026:KHC:10459
WP No. 4035 of 2022
C/W WP No. 8532 of 2024

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER DATED 22.04.2021 IN M.C.NO.07/2021 ON THE FILE OF PRL. JUDGE, FAMILY COURT AT TUMAKURU, WHEREIN DIRECTED THE PETITIONER HEREIN TO PAY MONTHLY MAINTENANCE OF RS.7,500/- TO THE RESPONDENT FROM THE PETITIONER HEREIN FROM THE DATE OF APPLICATION TILL DISPOSAL OF THE MAIN PETITION AND FURTHER ORDERED THAT THE RESPONDENT IN ENTITLE THE LITIGATION EXPENSES OF RS.2500/- FROM THE PETITIONER, WHICH IS PRODUCED AND MARKED AS ANNEXURE-A AS ILLEGAL, ARBITRARY AND PASSED WITHOUT APPLICATION OF MIND AND ETC.,

IN WP NO. 8532/2024

BETWEEN:

SRI. T.V. VIKAS
SON OF LATE T.S. VIJAY KUMAR
AGED ABOUT 33 YEARS
R/AT "SHAMBAVI NILAYA",
8TH CROSS, MAHALAKSHMI NAGARA
NEAR RAILWAY TRACK, TUMAKURU - 572 101.
...PETITIONER

(BY SRI. YESHVANTH, ADVOCATE FOR
SRI. K.V. NARASIMHAN, ADVOCATE)



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AND:

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WIFE OF T.V. VIKAS
AGED ABOUT 27 YEARS
R/AT GOWDARA BEEDHI,
AGRAHARA, TUMAKURU - 572 101.

...RESPONDENT

(BY SRI. V.B. SIDDARAMAIAH, ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE IMPUGNED ORDER DTD 31.01.2023 PASSED IN M.C.NO.07/2021 BY THE HONBLE PRL.JUDGE FAMILY COURT AT TUMAKURU ON I.A.NO.IV UNDER SECTION 151 OF CPC AT ANNEXURE-H AND CONSEQUENTLY DISMISS I.A.NO.IV UNDER SECTION 151 OF CPC FILED BY THE RESPONDENT AT ANNEXURE-F UNDER THE FACTS AND GROUNDS URGED IN THE WP AND ETC.,

THESE PETITIONS, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA



ORAL ORDER

Heard Sri.Yeshvanth, who represents Sri. K.V.Narasimhan, learned counsel on record for the petitioner in both the writ petitions. Also heard Sri.V.B. Siddaramaiah, learned counsel for the respondent in both the writ petitions.

2. While writ petition No.4035/2022 is the outcome of the order that is rendered by the Court of Principal Judge, Family Court, Tumakuru on I.A. No.III in M.C.No.07/2021 dated 22.04.2021, Writ Petition No.8532/2024 is the outcome of the order that is rendered by the same Court in the same case however on I.A.No.IV dated 31.01.2023.

3. For the sake of convenience of discussion, parties to the proceedings will hereinafter be referred to as husband and wife.



4. Husband filed a petition under Section 13(1)(ia) of the Hindu Marriage Act against the wife seeking a decree of divorce. In the said case, wife filed an interlocutory application i.e., I.A.No.III seeking interim maintenance of Rs.25,000/- per month and Rs.1,00,000/- towards legal expenses for the litigation. Family Court disposed of the said interlocutory application directing husband to pay wife, a sum of Rs.7,500/- per month towards maintenance and litigation expenses of Rs.2,500/-. On the ground that husband failed to pay interim maintenance as ordered, wife filed I.A.No.IV seeking the Court to stop all further proceedings in the main case. Family Court allowed I.A. No.IV and stopped all further proceedings till payment of arrears of interim maintenance. Aggrieved by the orders thus passed, husband is before this Court.

5. Learned counsel who represents the husband submits that both the parties have failed to file their statement of assets and liabilities and therefore setting



aside the orders passed on I.A. Nos.III and IV, the matter may be remanded back to the Family Court for fresh consideration after filing of statement of assets and liabilities by both the parties.

6. Vehemently opposing the submission thus made, learned counsel who represents the wife contends that wife produced sufficient proof to show the occupation and income of her husband. Though interim maintenance was granted through the orders rendered in the year 2021, till now husband has not paid the amount and huge amount fell due. Having no other go, wife moved another interlocutory application i.e., I.A. No.IV seeking Family Court to stop all further proceedings. In the light of failure on part of the husband to pay interim maintenance and the Court perceiving the fact that the husband has not paid interim maintenance, stopped all further proceedings and thus the writ petitions are not maintainable.



7. No ground is stated by learned counsel who represents the husband as to why husband who has filed a petition for grant of decree of dissolution of marriage, failed to pursue the matter and failed to file his statement of assets and liabilities when his wife moved an application for interim maintenance.

8. Now husband intends to take advantage of his own lapse and thereby seeks to set aside both the orders which are under challenge. This Court is of the considered view that any party should not be permitted to take benefit or advantage of his own lapse. Family Court taking into consideration the documents produced and the balance sheet which reveals that as on 31.03.2020, cash on hand of the husband is Rs.2,95,367/- and further he has a car and also taking into consideration absence of any proof to show that wife has got capacity to maintain herself, directed husband to pay wife, a sum of Rs.7,500/- per month towards interim maintenance. No reason is stated as to why petitioner/husband failed to pay the



maintenance as ordered by the Family Court. In the light of the disobedience of the order of the Family Court, wife rightly made an application to stop all further proceedings. Thus this Court does not find any infirmity either in the order that is rendered by the Family Court granting maintenance in favour of the wife or in passing an order of stoppage of proceedings till husband pays maintenance to the wife. Therefore, this Court ultimately holds that both the writ petitions lacks merits.

Thus, both the writ petitions are dismissed.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

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List No.: 1 Sl No.: 31