

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 13<sup>TH</sup> DAY OF MARCH, 2026**

**BEFORE**

**THE HON'BLE DR. JUSTICE K.MANMADHA RAO**

**WRIT PETITION NO.19578 OF 2025 (GM-FC)**

**BETWEEN:**

VENKATESH  
S/O. NANASAHEBA DESHPANDE  
AGED ABOUT 52 YEARS,  
R/AT. NO.7/2, BALIKAI ONI,  
NEAR NAGARESHWAR TEMPLE,  
RAVIVAR PET, DHARWAD,  
PINCODE-580 001.

...PETITIONER

(BY SRI. AKSHAY R. HUDDAR.,ADVOCATE)

**AND:**

1. MADURI @PADMASHREE  
W/O. VENKATESH DESHPANDE,  
AGED ABOUT 42 YEARS,
2. VIJAYEENDRA  
S/O. VENKATESH DESHPANDE  
AGED ABOUT 17 YEARS
3. SUMEDHA  
S/O. VENKATESH DESHPANDE  
AGED ABOUT 15 YEARS

RESPONDENTS 2 AND 3 BEING MINORS  
REP. BY RESPONDENT NO.1  
IS NATURAL GUARDIAN,

ALL ARE RESIDING SAME ADDRESS  
R/AT. NO.732, 9<sup>TH</sup> CROSS,  
VIDYAMANYANAGAR,  
ANDRAHALLI,  
BENGALURU-560 091.

...RESPONDENTS

(BY SMT. SONATAI VAKKUND.G., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE RECORDS IN C.MISC.NO. 592/2014 FROM THE V ADDL. PRL JUDGE, FAMILY COURT AT BENGALURU AND SET ASIDE THE IMPUGNED ORDER DTD.08.10.2024 GRANTING MAINTENANCE OF RS.75,000/- DIRECTED TO BE PAID TO RESPONDENT NOS.2 & 3 / PETITIONER NOS. 2 AND 3 IN C.MISC.NO. 592/2014, PASSED BY THE LEARNED V ADDL.PRINCIPAL FAMILY JUDGE AT BANGALORE AT ANNEX-A.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 03.03.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE DR. JUSTICE K.MANMADHA RAO

**CAV ORDER**

This petition is filed by the petitioner being aggrieved by the order dated 08.10.2024 passed by the V Additional Principal Judge, Family Court, Bengaluru in C.Misc.No.592/2014 (hereinafter referred to as 'Family Court') whereby the trial court has directed the petitioner to pay interim maintenance of Rs.75,000/- each to respondent Nos.2 and 3.

The brief facts of the case are as follows:

2. The petitioner/husband married the respondent No.1/wife on 24.05.2005 at Vanavasi Ram Mandira, Dharwad. After the marriage, the petitioner and respondent lived together as husband and wife.

Subsequently, the respondent alleged that the petitioner had subjected her to harassment and assault. On the basis of the said allegations, the respondent filed a petition seeking maintenance in C.Misc.No.592/2014 before the V Addl. Principal Judge, Family Court, Bengaluru.

3. After hearing the learned counsel appearing for the parties, the Family court, by order dated 08.10.2024 in C.Misc.No.592/2014, partly allowed the petition and directed the petitioner to pay interim maintenance of Rs.75,000/- each to respondent Nos.2 and 3. Respondent No.1 is the wife and respondent Nos.2 and 3 are the minor sons of the petitioner aged about 16 and 14 years respectively, who are pursuing their education. The petitioner is residing at Dharwad, whereas the respondents are residing at Bengaluru. The petitioner had filed M.C.No.47/2014 before the Principal Judge, Family Court, Dharwad seeking restitution of conjugal rights against respondent No.1. The said petition came to be allowed by order dated 23.11.2017, directing respondent No.1 to join the petitioner within one month from the date of order and

resume marital life. The review petition filed by respondent No.1 was also dismissed and the said decree of restitution of conjugal rights has not been set aside till date.

4. Learned counsel for the petitioner submitted that respondent No.1 has not complied with the decree for restitution of conjugal rights and that she is doing freelancing work. The petitioner has admitted that he has not paid any maintenance to respondent Nos.2 and 3 from the year 2014 till date. That considerable expenditure has been incurred towards the education and maintenance of the minor children, including expenses towards school fees, medicines and nutritious food. However, the Family Court observed that the claim of Rs.2,00,000/- includes the personal expenses of respondent No.1 and that the said amount is not exclusively for the maintenance of respondent Nos.2 and 3.

5. Learned counsel for the petitioner submits that respondent No.1 had earlier filed a petition seeking review of the decree in Misc.No.93/2016 before the Family Court,

Dharwad, and the said petition came to be dismissed on merits by order dated 27.06.2017.

6. It is submitted by learned counsel for respondents that the respondent/wife is not illiterate and she has completed her M.A. degree. It is contended that her parents were employed in Government service and that her father is receiving a substantial pension, while her mother who is no more, was also drawing pension during her lifetime. It is further contended that the respondent's parents own a residential house in a posh locality in Bengaluru, which is valued in crores. It is submitted that the respondent is residing in Bengaluru voluntarily and on her own accord.

7. It is further submitted that the petitioner is presently unemployed for nearly two years. It is submitted that he has insufficient income to meet his day-to-day expenses and to support his aged mother. It is contended that the respondent has voluntarily deserted the matrimonial home and residing separately in Bengaluru,

and therefore, respondent No.1 is not entitled to claim maintenance.

8. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the material on record.

9. It is observed from the ordersheet of this Court that initially, RPFC was filed by the petitioner. Office has raised an objection that against an order of the Family Court, Writ Petition lies under Article 227 of the Constitution of India. Learned counsel for the petitioner relied upon the order passed by the Uttar Pradesh High Court in case of **Pawan Kumar vs. State of UP and another** reported in **2024:AHC:166066**, as against the order passed by the Family Court, a writ petition under Article 227 of the Constitution of India, has to be filed. On 23.06.2025, this Court sustained the office objections and permitted to convert RPFC into Writ Petition.

10. It is observed that on perusal of the entire cross-examination at RW.1, it can be inferred that since 2014 till today, respondent/husband has not paid any

amount towards maintenance of his children. Respondent is capable of earning and it is the moral obligation of father to maintain his children. As the petitioner/wife is earning, she is not entitled for maintenance. Further, there is no illegality or infirmity in the order passed on I.A.No.8 dated 28.12.2023 by the V Additional Principal Judge, Family Court, Bengaluru in C.Misc.No.592/2014, granting interim maintenance of Rs.75,000/- each to Respondent Nos.2 and 3.

11. Accordingly, Writ Petition is ***dismissed***.

Consequently, the order passed on I.A.No.8 dated 28.12.2023 by the V Additional Principal Judge, Family Court, Bengaluru in C.Misc.No.592/2014 is hereby confirmed.

**SD/-  
(DR.K.MANMADHA RAO)  
JUDGE**

bnv