

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO. 6802 OF 2024 (GM-FC)

BETWEEN:

SMT. SHWETHA K
W/O SRI.HARSHAD S
AGED ABOUT 38 YEARS,
R/AT NO.33, 2ND FLOOR,
SRI. GURU NILAYA
SOLLAPURADAMMA LAYOUT,
AMRUTHA VIDYALAYA
SONNENAHALLI
ULLALA MAIN ROAD,
BENGALURU 560 056.

...PETITIONER

(BY SRI. MURTHY M.V.,ADVOCATE)

AND:

SRI. HARSHA D.S
S/O D.R. SHANKARANARAYANA
AGED ABOUT 44 YEARS,
R/AT NO.501, 'A' BLOCK,
SUNRISE BRINDAVAN APARTMENT,
DODDAKALLASANDRA
BENGALURU - 560 062.

...RESPONDENT

Digitally signed
by
VIJAYALAKSHMI
B N
Location: HIGH
COURT OF
KARNATAKA



THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO GRANT WRIT OF MANDAMUS BY MODIFYING THE ANNEX-G INTERIM MAINTENANCE ORDER DTD. 20.04.2023 PASSED ON IA NO.3 TO 5 BY THE HONBLE 2ND ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, BENGALURU IN M.C.NO.2971/2021 BY DIRECTING RESPONDENT / HUSBAND TO PAY INTERIM MAINTENANCE OF RS. 25,000/- PER MONTH TO THE PETITIONER AND RS. 15,000/- PER MONTH TO THE MINOR

DAUGHTER, FROM THE DATE OF FILING OF THE APPLICATION TILL THE DATE OF DISPOSAL OF THE CASE FURTHER DIRECT RESPONDENT / HUSBAND TO BARE ENTIRE EDUCATIONAL EXPENSES OF HIS MINOR DAUGHTER.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 24.03.2026 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 on I.A.Nos.III to V dated 20.04.2023 passed in M.C.No.2971/2021 by the II Additional Principal Judge, Family Court, Bengaluru, (hereinafter referred to as 'Family Court') whereby, the Family Court has partly allowed the applications directing the respondent to pay monthly interim maintenance of Rs.20,000/- to the petitioner and Rs.15,000/- per month as financial support to the minor child and has further directed the respondent to bear 70% of the educational expenses of the child and petitioner to bear remaining 30% of the educational expenses of the minor child.

2. The brief facts of the case are as follows:

The petitioner and the respondent are legally wedded wife and husband. Their marriage was solemnized on 29.01.2015 at Shri.Veerubai Kalyana Mantapa, Rajajinagar, Bengaluru in accordance with Hindu rites and customs. Out of the wedlock, they have a minor daughter, Kum. Shravya, born on 18.11.2015, who is presently about 8 years old. The respondent/husband filed M.C.No.2971/2021 under Section 13(1)(i-a) of the Hindu Marriage Act, 1955 seeking dissolution of marriage and cancellation of the marriage certificate, making allegations against the petitioner. The petitioner has filed her statement of objection denying the said allegations. During the pendency of the proceedings, on 01.09.2021, the petitioner filed I.A.No.III under Section 24 of the Hindu Marriage Act, 1955 seeking Rs.50,000/- per month as maintenance pendente lite and Rs.75,000/- towards litigation expenses and I.A.Nos.IV and V under Section 26 of the Hindu Marriage Act, 1955 seeking Rs.25,000/- per month towards maintenance of the minor daughter and

seeking Rs.50,000/- per annum towards educational expenses of the minor child.

3. The respondent/husband filed objections denying his liability to pay maintenance to both the petitioner and the minor child, including educational expenses.

4. By order dated 20.04.2023, the Family Court has partly allowed I.A.Nos.III to V and directed the respondent – husband to pay Rs.20,000/- per month as interim maintenance to the petitioner and directed payment of Rs.15,000/- per month towards maintenance of the minor child. It further ordered that maintenance shall be payable from the date of the order till disposal of the petition and directed the respondent – husband to bear 70% of the educational expenses and directed the petitioner – wife to bear the remaining 30% of the educational expenses of the minor child. Aggrieved by the direction that maintenance is payable only from the date of the order (and not from the date of application), the petitioner filed a review petition, which came to be

rejected, holding that there was no ambiguity in the original order. Being aggrieved by the interim maintenance order dated 20.04.2023 and the rejection of the review petition, the petitioner has filed the present writ petition seeking modification of the said order.

5. Learned counsel for the petitioner contends that the Family Court has erred in granting maintenance from the date of the order instead of the date of application and the direction requiring the petitioner to bear 30% of educational expenses is arbitrary, as she is dependent on the respondent for her livelihood and further submits that the impugned order is contrary to principles of natural justice and settled law governing grant of interim maintenance. Hence, prays for allowing the writ petition and modify the impugned order.

6. Learned counsel for the respondent – husband submits that he has produced affidavit of assets and liabilities before the Family Court and the petitioner – wife has secured professional qualifications namely, B.A.,

B.Ed., M.A., M.Sc., and was working as a Teacher at different schools and she is holding professional educational qualifications and earning sufficiently, she is not entitled for maintenance from the respondent – husband. He contends that petitioner and the respondent are liable to bear the educational expenses of the child in proportion of their respective salaries. He further submits that he has to look after his old aged parents, who are suffering from ailments, his father is suffering from chronic heart disease and mother is suffering from Chronic Obstructive Pulmonary disease and has undergone surgery for knee replacement due to arthritis problem. Hence, prays for dismissal of the petition.

7. Heard the learned counsel appearing for both the parties and perused the material on record.

8. Having heard the learned counsel for the petitioner and upon perusal of the material on record, this Court finds no illegality or perversity in the impugned order warranting interference. The object of Section 24 of

the Hindu Marriage Act, 1955 is to provide immediate financial assistance to a spouse, who has no sufficient independent income for support during the pendency of matrimonial proceedings.

9. In the present case, the Family Court has rightly recorded a finding that the petitioner – wife has not produced any document to show her income since she is a double graduate and cannot excuse herself from looking after the child and making financial assistance as per her strength of income in future. Hence, directed the petitioner – wife to bear 30% of the educational expenses of the child on every academic year.

10. It is also pertinent to note that a sum of Rs.20,000/- per month awarded towards interim maintenance of the petitioner and a sum of Rs.15,000/- per month as financial support to the minor child by the Family Court is just and proper. The Family Court has exercised its discretion judiciously after considering the

facts and circumstances of the case and the material placed on record.

11. In view of the foregoing discussion, this Court is of the considered opinion that the impugned order dated 20.04.2023 passed by the II Additional Principal Judge, Family Court, Bengaluru partly allowing I.A.Nos.III, IV and V under Sections 24 and 26 of the Hindu Marriage Act, 1955 and directing payment of Rs.20,000/- per month to the petitioner and Rs.15,000/- per month as financial support to the minor child and directing the respondent – husband to bear 70% of the educational expenses of the minor child and petitioner – wife to bear 30% of the educational expenses does not suffer from any illegality, perversity warranting interference.

12. In the result, this Court proceeds to pass the following:-

ORDER

- (i) The writ petition is ***dismissed***.

(ii) The order on I.A.Nos.III to V dated 20.04.2023 passed in M.C.No.2971/2021 by the II Additional Principal Judge, Family Court, Bengaluru, is hereby confirmed.

(ii) The interim maintenance as directed by the Family Court shall continue to be paid by the respondent – husband during the pendency of the matrimonial proceedings.

No order as to costs.

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

MH/-