



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. 5552 OF 2026 (GM-FC)

BETWEEN:

ANIL KUMAR,
S/O SUBRAMANYAM RAJU,
AGE 35 YEARS,
OCC PHYSIOTHERAPIST,
R/O 403, 5TH FLOOR,
MSR ENCLAVE,
ARAVIND NAGAR, 1ST CROSS,
ANANTPUR-515 001.

THROUGH HIS GPA HOLDER:

KONDURU SUBRAMANYAM RAJU,
S/O LATE VENKATARAJU,
AGE: 62 YEARS,
OCC: AGRICULTURAL WORKER
R/O: K R MOHALLA, S V PURAM
VTC VADAMALAPEA,
DISTRICT CHITTOOR-517 551,
ANDHRA PRADESH.

Digitally signed
by AASEEFA
PARVEEN

Location: HIGH
COURT OF
KARNATAKA

...PETITIONER

(BY SRI. VEERESH SHIVALINGAPPA SAJJAN, ADVOCATE)



AND:

SMT. NAYANA M.,
D/O. M. NAGARAJU,
NO.514,
10TH MAIN, BHCS LAYOUT,
SUBRAMANYAPURA MAIN ROAD,
UTARAHALLI BENGALURU CITY,
KARNATAKA-560061.

...RESPONDENT

(V/C/O DATED 19.02.2026, NOTICE TO RESPONDENT IS
DISPENSED WITH)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE
WRIT IN THE NATURE OF CERTIORARI QUASHING THE ORDER
DATED 23.10-2025 AND 31-01-2026 IN CRL.MISC.539/2021
ON THE FILE OF THE VI ADDL. PRINCIPAL JUDGE, FAMILY
COURT, BENGALURU AS NULL AND VOID AND THEREBY
ALLOWING THE PETITIONER TO FILE THE OBJECTIONS TO THE
MAIN PETITION AND CROSS EXAMINE THE PW1 AND ETC.

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

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA



ORAL ORDER

Heard Sri.Veeresh Shivalingappa Sajjan learned counsel for the petitioner.

2. In the light of the limited relief sought for, this Court is of the view that notice to respondent is not required to be issued and accordingly, notice to respondent is dispensed with.

3. This writ petition is filed seeking the Court to quash the orders that were rendered by the Court of VI Additional Principal Judge, Family Court, Bengaluru in Crl.Misc.No.539/2021 dated 23.10.2025 and 31.01.2026.

4. Learned counsel for the petitioner submits that petitioner is husband of respondent. Respondent filed a petition under Section 125 Cr.P.C. claiming maintenance. Respondent got married during the subsistence of marriage with petitioner and therefore, she is not entitled for maintenance. As petitioner was suffering from ill health, he could not file his statement of



objections/counter. The Court treated the statement of objections as nil, failed to give any opportunity to petitioner to adduce his evidence and posted the case for arguments. Learned counsel thereby seeks to give fair opportunity to petitioner to file his statement of objections and to produce his evidence.

5. Record discloses gross negligence on part of petitioner in pursuing the matter. Petitioner was placed ex-parte through order dated 16.02.2022 and judgment was pronounced on 12.09.2022. Thereafter petitioner filed a revision petition before this Court and this Court had set aside the order of Family Court and remanded the matter back for fresh disposal. Even on remand, petitioner failed to file his statement of objections/counter.

6. Even in this writ petition, petitioner has not sought proper relief. Petitioner seeks to recall the order dated 23.10.2025. However, the certified copy of the proceeding sheet reveals that no order on 23.10.2025 was



passed by Family Court and indeed presiding officer was on leave on the said day. Through order dated 31.01.2026, the petition filed by petitioner i.e., I.A.No.V seeking permission to file statement of objections was dismissed. Petitioner is knocking the doors of Family Court as well as this Court as per his wish and convenience. This cannot be entertained. However, perceiving the fact that the case is between the rival spouses, where respondent has sought maintenance from petitioner herein, this Court considers desirable to give a fair opportunity to petitioner to project his version through his statement of objections. Therefore, this petition is disposed of with the following:

ORDER

- (i) Petitioner shall file his statement of objections by 27.02.2026. He shall also pay costs of Rs.10,000/- to respondent by 27.02.2026.
- (ii) Family Court to verify about the compliance of conditions imposed through this order and on failure to comply the conditions, Family Court may deem that this writ petition is dismissed.



- (iii) As the writ petition is disposed of without notice to respondent, Family Court is directed to serve a copy of this order to respondent only for the purpose of giving notice to respondent about the filing of the writ petition and its disposal.
- (iv) Register to forward copy of this order to the concerned Court forthwith.
- (v) As the order is dictated in the presence of learned counsel for the petitioner, petitioner shall not claim extension of time on the ground that he has not received certified copy of this order.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

DS
CT:TSM
List No.: 1 Sl No.: 5