



CNR: KAHC010178152025

NC: 2026:KHC:39754
WP No. 9335 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JULY, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO. 9335 OF 2025 (GM-FC)

BETWEEN:

MRS. SUCHITRA MUTHANNA
AGED ABOUT 43 YEARS
D/O LATE MR. M.N. CHENGAPPA
W/O LT. COL. M.C MUTHANNA
RESIDING AT T-302, PURVA PARK,
JEEVANAHALLI, MARUTHI
SEVANAGAR, BANGALORE - 560 005.

...PETITIONER

Digitally signed
by AASEEFA
PARVEEN

(BY SMT. BHARGAVI DEV K, ADVOCATE)

Location: HIGH
COURT OF
KARNATAKA

AND:

LT. COL. M. C. MUTHANNA @ YASH
AGED ABOUT 50 YEARS
S/O BRIG M.M.A CARIAPPA
HAVING PERMANENT RESIDENCE AT
134/1, 4TH MAIN, DEFENCE COLONY
INDIRANAGAR, BANGALORE - 560 038



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PRESENTLY STATIONED AT
1 MAHARASHTRA ARTYT BTY NCC
NCC BHAVAN, KOLHAPUR,
MAHARASHTRA - 416 001.

...RESPONDENT

(BY SMT. BEAULA JEMIMA TILAKAVATHY, ADVOCATE)

THIS WP IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA PRAYING TO DIRECT TO SET ASIDE
THE IMPUGNED ORDER DTD 22.01.2025 PASSED BY THE
LEARNED II ADDL. PRL. JUDGE, FAMILY COURT, BANGALORE
ON IA NO. IV IN M.C NO. 6951/2022 AS CONTAINED IN ANN-
A AND ETC.,

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

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA



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ORAL ORDER

Heard Smt.Bhargavi Dev.K learned counsel for the petitioner as well as Smt. Beaula Jemima Thilakavathi learned counsel for the respondent. Gone through the contents of statement of objections filed by respondent.

2. Seeking the Court to issue a writ of certiorari or any other writ and to set aside the order that is passed by the Court of II Additional Principal Judge, Family Court, Bangalore on I.A No. IV in M.C No.6951/2022 dated 22.01.2025, this writ petition is filed.

3. The petitioner herein who is the wife of respondent filed I.A No. IV invoking Section 24 of Hindu Marriage Act r/w Section 151 of CPC, seeking interim maintenance and litigation expenses of Rs.1,00,000/- per month. Family Court through the impugned order directed respondent to pay petitioner a sum of Rs.20,000/- per month for the maintenance of herself and the child, till the disposal of the main case. Aggrieved by the quantum fixed, the petitioner is before this Court.



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4. Learned counsel for the petitioner submits that respondent is a member of armed forces and he is serving as Commanding Officer at present. As petitioner was subjected to cruelty and harassment, petitioner was forced to withdraw from the society of the respondent. She started living with her son. Respondent gets more than Rs.3,00,000/- per month as salary. Besides that he also gets rental income. On the other hand petitioner works in a private limited company and gets around Rs.50,000/- per month. The salary of the petitioner is not sufficient to maintain herself as well as the son. For considerable period, petitioner used to draw a sum of Rs.30,000/- from the joint account maintained. However, in the light of the instructions issued by the respondent to Bank authorities, petitioner could not withdraw any amount from said joint account. Therefore, petitioner filed an interlocutory application seeking interim maintenance of Rs.1,00,000/- per month. Family Court without considering the status of the parties and the necessities of the petitioner, directed



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respondent to pay petitioner meager sum of Rs.20,000/- per month. Learned counsel submits that with Rs.20,000/- petitioner can neither maintain herself nor her son. Learned counsel also states that petitioner is required to lead life in the same standard of living of that of her husband that is the respondent herein. Therefore, modifying the impugned order, the amount sought for may be granted towards interim maintenance.

5. Vehemently opposing the submission thus made, learned counsel for the respondent contends that respondent is bearing all the educational expenses of the child including his school fee, tuition fee and conveyance charges. Petitioner is also an employee and as per her own statement she draws Rs.57,500/- per month. Petitioner lives with her son. However, she has taken a triple bedroom flat for rent which is unnecessary. That apart petitioner claimed Rs.50,000/- per month for groceries which is exorbitant. Learned counsel also submits that respondent suffers with Lumbar spinal disorder and he is



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taking treatment. That apart he is going to retire in two to three years. Furthermore respondent paid huge sum of Rs.59,180/- per month towards the maintenance of the child and said amount was deducted directly from his salary. As the respondent is taking care of all the educational expenses of the child and as petitioner is drawing more than Rs.50,000/- per month as salary, Family Court rightly directed respondent to pay petitioner a sum of Rs.20,000/- towards interim maintenance and thus the writ petition is not maintainable.

6. The document produced by the petitioner dated 27.01.2025 which is the letter addressed by Senior Accounts Officer (LW-05) to Col. GS (HR), HQ Southern Command, PIN-908541 reveals that sanction was accorded for grant of maintenance allowance at the rate of 20% to Master Muckatira Muthanna Bopiah and that said amount will be paid to the mother of the child i.e., the petitioner herein and thus a sum of Rs.59,180/- together with arrears at the rate of Rs.31,489/- totalling to



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Rs.90,669/- would be paid per month. Letter dated 19.06.2025 addressed by Sri.Amandeep Saggar, Colonel to PCDA (O), Golibar Maidan, Pune reveals that sanction of maintenance was ordered to be discontinued in the light of the impugned order. These documents makes it clear that respondent was ordered to pay the child a sum of Rs.59,180/- per month towards his maintenance. However, in the light of the fact that through the impugned order, Family Court directed respondent to pay petitioner and the son a sum of Rs.20,000/- per month, such payment was ordered to be discontinued.

7. Through the memo dated 12.09.2025, the petitioner disclosed that her current salary is Rs.73,000/- with net pay of about Rs.69,000/-. The total sum which the petitioner receives inclusive of interim maintenance awarded through the impugned order therefore comes to Rs.89,000/-(69,000 + Rs.20,000).



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8. On the other hand the gross salary of the respondent is Rs.3,08,036/- per month. A sum of Rs.89,000/- will not be sufficient for the petitioner to maintain herself, to bring up the child to impart proper education and raise him in the same standard of living of that of his father i.e. the respondent herein. At the same time not only the status of the parties, their standard of living but other circumstances are required to be taken into consideration. While the petitioner stays at Bangalore and looks after the litigation which is in the Courts at Bangalore, the respondent, an Army Officer who presently stays in the State of Maharashtra would be required to travel as and when required to Bengaluru and to pursue the litigation. At the same time respondent has no obligation to take care of each and every necessity of the child and to look after his entire needs and necessities dedicating time and attention. The said task is being performed by the petitioner only.



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9. Thus, having considered all these aspects, this Court is of the view that the sum granted towards interim maintenance is too meager and requires enhancement. This Court is also of the view that the justifiable sum that can be awarded towards the interim maintenance of the petitioner as well as the son is Rs.50,000/- in the light of the fact that petitioner is also an employee and her net pay is about Rs.69,000/- as contented by herself.

10. Thus the writ petition is disposed of with the following:-

ORDER

- i. The order that is rendered by the Court of II Additional Principal Judge, Family Court, Bangalore on IA No. IV in M.C No.6951/2022 dated 22.01.2025 is modified.
- ii. Respondent is directed to pay the petitioner a sum of Rs.50,000/- per month towards interim



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maintenance for the maintenance of herself as well as the son.

- iii. Respondent shall also deposit a sum of Rs.50,000/- quarterly to the account of the petitioner to facilitate the petitioner to meet the educational expenses of the child.
- iv. The enhanced sum of Rs.30,000/- through this order shall be paid by respondent to the petitioner from 01.06.2025.
- v. All arrears shall be cleared within a period of three months from the date of receipt of copy of this order.

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

VS
List No.: 1 Sl No.: 1