



CNR: KAHC010178682025

NC: 2026:KHC:54114
WP No. 8525 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 8525 OF 2025 (GM-FC)

BETWEEN:

CEILIDOR SAWIAN NAVEEN
W/O. CAPT. NAVEEN NITHYANAND,
AGED ABOUT 51 YEARS,
R/AT. NO.39, SAHYADRI HOMES,
MUTHASANDRA MAIN ROAD,
BENGALURU - 560 087

...PETITIONER

(BY SRI. ARUN GOVINDRAJ, ADVOCATE)

AND:

CAPT. NAVEEN NITHYANAND
S/O. V. K. NITHYANAND,
AGED ABOUT 51 YEARS,
R/AT. NO.39, SAHYADRI HOMES,
MUTHASANDRA MAIN ROAD,
BENGALURU - 560 087

...RESPONDENT

(BY SRI. IAN LEWIS, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO SET ASIDE THE ORDER DATED 23.08.2024 PASSED IN M. C. NO.72/2023 BY THE PRINCIPAL SENIOR CIVIL JUDGE, BANGALORE RURAL AT BANGALORE AND CONSEQUENTLY, ALLOW THE PRAYER SOUGHT IN INTERIM APPLICATION NO.1 FILED BY THE PETITIONER UNDER SECTION 36 OF THE SPECIAL MARRIAGE ACT (ANNEXURE-G).

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



CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

Aggrieved by the order dated 23.08.2024 passed in I.A.No.1 in M.C.No.72/2023 by the Principal Senior Civil Judge, Bangalore Rural District, Bangalore, the petitioner/wife is before this Court.

2. The parties are referred to as husband and wife for the sake of convenience.

3. The wife had filed M.C.No.72/2023 seeking divorce. In that, the wife had filed I.A.No.1 seeking maintenance of Rs.2 lakhs, and the trial Court had granted maintenance of Rs.55,000/- per month, subject to the observations made in paragraph No.10. As per paragraph No.10 of the order, the husband has to pay the educational expenses.

4. This matter was earlier heard by this Court, and certain submissions were made about the husband not paying tuition fees for one semester, which amounts to Rs.12 lakhs and odd. After the matter was adjourned, both parties filed their respective statements before this Court. According to the husband, he had paid the entire amount. According to the wife,



he had not paid. It is a simple mathematical calculation. There cannot be any dispute on that. Then, when it comes to the enhancement, according to the wife, the husband's income is Rs.12 lakhs per month. But once the divorce petition was filed, he showed his income as Rs.4 lakhs. There is suppression of facts. The wife has filed I.A.No.1/2025 and 2/2025 to initiate perjury proceedings against the husband.

5. Learned counsel appearing for the respondent/husband has denied the same, and it is submitted that he has stated all correct facts before the Court. In these circumstances, this Court cannot decide the questions of fact regarding all the documents showing the income, and this Court deems it appropriate to set aside the order and remand the matter back to the trial Court, where the Court will be able to decide the issues based on the evidence already on record and the parties can also place further evidence, if any, and based on that the trial Court can pass orders on whether she is entitled for enhancement of the maintenance. In those circumstances, this Court is passing the following order:



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ORDER

- i. The order dated 23.08.2024 passed in I.A.No.1 in M.C.No.72/2023 by the Principal Senior Civil Judge, Bangalore Rural District, Bangalore, is **set aside** and the matter is **remanded** to the trial Court for fresh consideration.
- ii. Both the parties are at liberty to place further evidence before the trial Court.
- iii. The respondent/husband shall continue to pay maintenance of Rs.55,000/- per month to the petitioner/wife and the educational expenses as per the earlier order until further orders.
- iv. The petitioner/wife filed I.A.Nos.1/2025 and 2/2025 to initiate perjury proceedings. The wife is at liberty to move the same before the trial Court, which will consider it in accordance with law.
- v. Accordingly, the writ petition is **allowed**.
- vi. All I.As. in this petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE