



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO.8382 OF 2022 (GM-FC)

BETWEEN:

SRI. MUNISWAMY,
S/O LATE TOLACHANAIIKA,
AGED ABOUT 67 YEARS,
R/O KPTCL (TLM) SIRA
TUMAKURU DISTRICT-572137.

...PETITIONER

(BY SRI. JNANESH KUMAR K., ADVOCATE)

AND:

SMT. YASHODAMMA,
W/O SRI MUNISWAMY,
D/O LATE THODACHANAILA,
AGED ABOUT 65 YEARS,
R/O ERALAGERE VILLAGE,
KASABA HOBLI, TIPTUR TALUK,
TUMAKURU DISTRICT-572201.

...RESPONDENT

(BY SMT. SRUTI, ADVOCATE FOR

SRI. VINAYA KEERTHY M., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF
THE CONSTITUTION OF INDIA PRAYING TO CALL FOR
RECORDS AND SET ASIDE THE IMPUGNED ORDER DATED

Digitally signed
by AASEEFA
PARVEEN

Location: HIGH
COURT OF
KARNATAKA



25.02.2022, PASSED BY SENIOR CIVIL JUDGE AND JMFC, AT TIPTUR IN M.C.NO.55/2014, IS AT ANNEXURE-E.

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

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL ORDER

Heard Sri.Jnanesh Kumar.K, learned counsel for the petitioner as well as Ms.Shruthi who represents Sri.Vinaya Keerthy.M, learned counsel on record for the respondent.

2. Seeking the Court to set aside the order that is passed by the Court of Senior Civil Judge, Tiptur on IA No.II in MC No.55/2014 dated 25.02.2022, this writ petition is filed.

3. Learned counsel for the petitioner submits that respondent initiated several proceedings against the petitioner. Initially petitioner was paying the respondent a sum of Rs.200/- per month towards maintenance. Later it was enhanced to Rs.350/- per month and thereafter to



Rs.750/- per month. Respondent filed a suit in OS No.367/2012 and the trial Court decreed the suit directing petitioner to pay respondent Rs.5,000/- per month towards maintenance. First appeal filed by the petitioner was dismissed and likewise second appeal was also dismissed. Thus petitioner is under obligation to pay Rs.5,000/- towards maintenance. Again through the impugned order petitioner was directed to pay respondent a sum of Rs.5,000/- per month towards interim maintenance. There is no clarification in the impugned order whether said Rs.5,000/- is in addition to Rs.5,000/- which petitioner was directed to pay through the decree in the suit. Learned counsel submits that petitioner receives a sum of Rs.25,000/- only towards pension. Respondent is the wife of the petitioner. After desertion, petitioner married again and a child was born. Petitioner is under obligation to maintain the said wife and child. Except pension there are no other sources of earnings. Learned counsel thereby seeks to allow the writ petition.



4. Learned counsel who represents the respondent states that petitioner is not paying Rs.5,000/- as ordered through the decree in the suit. No doubt through the impugned order, petitioner was directed to pay respondent a sum of Rs.5,000/-. Said Rs.5,000/- is not in addition to the amount ordered to pay through the decree in the suit. Petitioner fell in huge arrears. It is suffice if the petitioner pays a sum of Rs.5,000/- towards maintenance.

5. The submission that is made by learned counsel for the respondent therefore, makes it clear that respondent for the time being can maintain herself in case the petitioner pays her a sum of Rs.5,000/- per month regularly.

6. Therefore, considering the submissions made by both the learned counsel, the writ petition is disposed of with the following:

ORDER

- (i) The writ petition is *disposed of*.



(ii) The sum granted towards interim maintenance is not in addition to the sum that is awarded as maintenance through the decree in the suit in OS No.367/2012, basing on which RSA No.1080/2022 was filed before this Court and was disposed of through judgment dated 15.09.2023. Therefore, petitioner shall pay respondent total sum of Rs.5,000/- per month towards interim maintenance.

(iii) All arrears shall be cleared within a period of 3 months.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE