

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO.10025 OF 2024 (GM-FC)

BETWEEN:

SRI CHETHAN K.S
S/O SATHYA,
AGED ABOUT 32 YEARS,
R/AT KARIGIRIGOWDANAKOPPALU,
VILLAGE, KOPPA HOBLI,
MADDUR TALUK,
PIN – 571 428.

...PETITIONER

(BY SRI.LAKSHMIKANTH K., ADVOCATE)

AND:

SMT. PALLAVI P @ MANCHAMMA
W/O CHETHAN K.S
D/O PUTTASWAMY,
AGED ABOUT 24 YEARS,
R/AT DODDAKOTHAGERE VILLAGE,
BASARALU HOBLI,
MANDYA TALUK,
PIN - 571428.

...RESPONDENT

(BY MS. ARCHANA MURTHY.,ADVOCATE)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ORDER DATED 04/10/2023 PASSED ON IA NO.1 FILED BY THE RESPONDENT UNDER SECTION 24 OF HINDU MARRIAGE ACT IN MC NO.55/2022 BY THE LEARNED PRL.SENIOR CIVIL JUDGE AND C.J.M., AT MANDYA AT ANNEXURE-E.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 03.03.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE DR. JUSTICE K.MANMADHA RAO

CAV ORDER

This writ petition is filed by the petitioner-husband under Articles 226 and 227 of the Constitution of India challenging the order dated 04.10.2023 passed by the learned Prl. Senior Civil Judge & CJM, Mandya ('the Family Court' for short) on I.A.No.1 in the matrimonial proceedings, whereby the FamilyCourt allowed the application filed by the respondent-wife under Section 24 of the Hindu Marriage Act, 1955 ('the Act of 1955' for short) and directed the petitioner to pay interim maintenance of Rs.7,500/- per month to the respondent during the pendency of the case.

2. The petitioner is the husband/respondent is wife before this Court.

3. IA No.1 is filed by the wife-respondent on 09.09.2022 under section 24 of the Act of 1955 seeking interim maintenance of Rs.25,000/- to Rs.30,000/- per month.

4. The facts leading to the filing of present petition are that:-

The marriage between the petitioner-husband and the respondent-wife was solemnized on 19.03.2017 at Sri Mahadeshwara Kalyana Mantapa, Doddahosagavi Village, Koppa Hobli, Maddur Taluk, in the presence of elders, relatives and well-wishers as per Hindu customs and rituals. Subsequently, the petitioner instituted a petition under Section 13(1)(i)(ia)(ib) of the Act of 1955 seeking dissolution of marriage against the respondent.

5. After service of notice, the respondent entered appearance and filed objections denying the allegations made in the petition. During the pendency of the said proceedings, the respondent filed I.A.No.1 under Section 24 of the Act of 1955 seeking interim maintenance of Rs.30,000/- per month and litigation expenses of Rs.50,000/-, contending that she had been driven out of the matrimonial home, that she had no independent source of income, and that she was taking care of their daughter born from the wedlock.

6. In the affidavit filed in support of the application, the respondent asserted that she is not well educated and has no employment, and that she requires financial assistance for

the upbringing and education of her daughter. In the affidavit of assets and liabilities filed by the respondent-wife, she alleged that the petitioner is engaged in fishing and earning about Rs.50,000/- per month, apart from earning Rs.5 to 8 lakhs per annum from agricultural lands in his village by cultivating sugarcane and paddy crops.

7. The petitioner-husband filed objections contending, *inter alia*, that the respondent-wife had voluntarily left the matrimonial home and had contracted a second marriage with Lohith S/o Yogananda. He also relied upon a missing complaint registered on 26.02.2022 at Koppa Police Station in Crime No.11/2022. However, the petitioner failed to file the affidavit of assets and liabilities as directed by the Family Court on 26.08.2023.

8. Heard learned counsel appearing on either side and perused the materials on record.

9. Upon consideration of the pleadings and material on record, the Family Court observed that the marriage between the parties on 19.03.2017 and their present separate residence were not in dispute. It was also not disputed that the respondent was taking care of their daughter Meghana, aged about 6 years, and that the respondent had no independent

source of income. With regard to the petitioner's allegation that the respondent had contracted a second marriage with Lohith S/o Yogananda, the Family Court noted that the said allegation was not pleaded in the main petition and that the petitioner had not disclosed the date of such alleged marriage.

10. The Family Court observed that the petitioner had merely stated that he was informed about the alleged marriage by Boramma and Saraswathi, and that the documents produced relating to the missing complaint dated 26.02.2022 only indicated that the respondent had left the matrimonial home due to disputes and had later appeared before the police along with her brother Sunilkumar and given a statement stating that she had gone to the house of Parvathamma at Kumbalagudu due to frustration. In the absence of any material to substantiate the allegation of second marriage, the Family Court had rightly held that the said contention could not be considered at that stage.

11. The Family Court further noted that although the respondent had alleged that the petitioner was earning Rs.50,000/- per month from fishing business and Rs.5 to 8 lakhs annually from agricultural activities, she had not produced documentary evidence in that regard. However,

despite the direction issued on 26.08.2023 to file an affidavit declaring his assets and liabilities, the petitioner failed to comply with the said direction and also did not specifically deny the income attributed to him by the respondent. Taking into consideration that the respondent had no independent source of income, that she was maintaining their minor daughter aged about 6 years, and that she required financial support even for basic maintenance and residence, the Family Court held that it was just and proper to grant interim maintenance and accordingly directed the petitioner to pay Rs.7,500/- per month to the respondent.

12. Heard learned counsel appearing for both the parties.

13. Having heard the learned counsel for the parties 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 Act of 1955 is to provide immediate financial assistance to a spouse who has no sufficient independent income for support during the pendency of matrimonial proceedings.

14. In the present case, the Family Court has rightly recorded a finding that the respondent has no independent

source of income and that she is maintaining the minor daughter. The petitioner, despite being directed by the Court on 26.08.2023, failed to file the affidavit of assets and liabilities and has not placed any convincing material to disprove the respondent's claim regarding his earning capacity.

15. The contention of the petitioner that the respondent has contracted a second marriage with Lohith S/o Yogananda is a disputed question of fact for which no material has been produced. The Family Court has rightly observed that such allegation was neither pleaded in the petition nor supported by any evidence indicating the date or circumstances of such alleged marriage. In writ jurisdiction, this Court cannot undertake a detailed factual inquiry into such disputed questions, particularly in proceedings relating to interim maintenance.

16. It is also pertinent to note that a sum of Rs.7,500/- per month awarded by the Family Court is modest and cannot be said to be excessive, especially considering the maintenance of the respondent and the minor child. The Family Court has exercised its discretion judiciously after considering the facts and circumstances of the case and the material placed on record.

17. In view of the foregoing discussion, this Court is of the considered opinion that the impugned order dated 04.10.2023 passed by the learned Prl. Senior Civil Judge & CJM, Mandya allowing I.A.No.1 under Section 24 of the Hindu Marriage Act, 1955 and directing payment of Rs.7,500/- per month as interim maintenance does not suffer from any illegality, perversity warranting interference.

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

ORDER

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

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

No order as to costs.

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

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