



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO.8577 OF 2023 (GM-FC)

BETWEEN:

MR PRADEEP M. V.,
S/O VASUDEVA MUDAMBADITHAYA,
AGED 44 YEARS,
R/AT KUVECHARU HOUSE,
BAJATHUR VILLAGE AND POST,
PUTTUR, D.K. - 574241.

...PETITIONER

(BY SRI. ANIKITH, ADVOCATE FOR
SRI. SACHIN B S.,ADVOCATE)

AND:

SMT. RESHMA
W/O PRADEEP M.V.
AGED 43 YEARS,
D/O VISHNUMURTHY,
R/AT OPPT. INDIAN GARAGE,
MADIKERI, KODAGU DISTRICT - 571201.

...RESPONDENT

(BY SMT. VANSHIKA MATTUR, ADVOCATE FOR
SRI. SUYOG HERELE E., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE

Digitally signed
by AASEEFA
PARVEEN
Location: HIGH
COURT OF
KARNATAKA



IMPUGNED ORDER DATED 07.02.2023 ON IA NO.4 IN MC.NO.24 OF 2014 PASSED BY THE COURT OF PRL.SR.CIVIL JUDGE AND ACJM, PUTTUR AS PER ANNEX-A AND CONSEQUENTLY ALLOW ON IA NO.4 AS PRAYED.

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.Aniketh who represents Sri.Sachin.B.S learned counsel on record for the petitioner as well as Ms.Vanshika Mathur who represents Sri.Suyog Herele.E learned counsel on record for the respondent.

2. Seeking the Court to quash the order that is rendered by the Court of Additional Senior Civil Judge, Puttur, Dakshina Kannada on I.A.No.IV in M.C.No.24/2014 dated 07.02.2023, this writ petition is filed.

3. Learned counsel for the petitioner submits that petitioner is the husband of the respondent. Respondent is



an employee in Union Bank of India. She draws around Rs.75,000/- per month as salary. Respondent has not filed her affidavit disclosing her assets and liabilities. Initially Rs.5,000/- was granted towards interim maintenance. Respondent filed an interlocutory application seeking enhancement of the same from Rs.5,000/- to Rs.10,000/- and the same is pending.

4. Learned counsel for the petitioner also states that respondent being an employee and earning around Rs.75,000/- per month can maintain herself. But she claims huge amount towards maintenance. She suppressed her earnings. Therefore, petitioner filed I.A.No.IV seeking the Court to call for the salary certificate of the respondent from Union Bank of India. But without valid reasons said interlocutory application was dismissed and therefore, this writ petition is filed. Learned counsel thereby seeks to quash the order under challenge.

5. On the other hand learned counsel for the respondent submits that even petitioner has not filed his



affidavit disclosing his assets and liabilities. Learned counsel contends that respondent admitted her occupation and therefore, there is no necessity to call for her salary certificate. Learned counsel also states that only to drag on the proceedings, petitioner filed I.A.No.IV and therefore, trial Court rightly dismissed said interlocutory application and thus, this writ petition is not maintainable.

6. By the submission that is made by both the learned counsel, it is clear that both parties failed to file their statement of assets and liabilities till now though the case is pending since 2014.

7. Admission of occupation itself is not sufficient. Respondent is under obligation to produce the details which reveals her earnings. In the case on hand respondent admittedly has not furnished any such details which reveals her earnings. Therefore, this Court is of the view that the trial Court ought to have allowed I.A.No.IV and should have called for the salary particulars of the respondent. But the trial Court expressing its opinion that



there is no dispute with regard to the employment of the respondent and that a duty is cast upon the petitioner to maintain his child, dismissed the application. Even though it is taken that duty vests upon petitioner to maintain the child, yet the financial status of the wife should be taken into consideration. Therefore, this Court is of the view that the decision taken by the trial Court is not on proper lines. Hence, the writ petition is disposed of with the following:

ORDER

- (i) Writ petition is allowed.
- (ii) The orders rendered by the Court of Additional Senior Civil Judge, Puttur, Dakshina Kannada on I.A.No.IV in M.C.No.24/2014 dated 07.02.2023 is set aside.
- (iii) Consequently, I.A.No.IV is allowed.
- (iv) The Court of Additional Senior Civil Judge, Puttur, Dakshina Kannada is directed to call for the salary particulars of the respondent.



- (v) Also both parties are directed to file their affidavits disclosing their assets and liabilities within a period of eight weeks before the Trial Court.

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

DS
CT:TSM
List No.: 1 SI No.: 6