



CNR: KAHC010215442025

NC: 2026:KHC:37482
WP No. 10583 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

WRIT PETITION NO. 10583 OF 2025 (GM-FC)

BETWEEN:

MRS. NISHA MARIAM
@ NISHA MARIAM NOEL
W/O NOEL THOMAS RAJAN
AGED ABOUT 42 YEARS
R/AT NO. 1802, 5TH CROSS,
10TH MAIN, HAL 3RD STAGE
NEW THIPPASANDRA
BENGALURU – 560 075.

...PETITIONER

(BY SMT. BINDU U., ADVOCATE)

AND:

SRI NOEL THOMAS RAJAN
S/O LATE RAJAN THOMAS KOSHY
AGED ABOUT 45 YEARS
R/AT NO. 52, 4TH A CROSS ROAD
2ND MAIN, KUSHAL LAYOUT,
KAGADASAPURA VILALGE,
BENGALURU – 560 093.

...RESPONDENT

(BY DR. VIDYA SELVAMONY., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED ORDER DATED 19/02/2025 PASSED IN MC NO. 3291/2023 ON THE FILE OF VITH ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT AT BANGALORE ON IA NO. 2 FILED UNDER SECTION 36 R/W S.38 OF SPECIAL MARRIAGE ACT

Digitally signed
by
PADMASHREE
SHEKHAR
DESAI
Location: High
Court of
Karnataka



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VIDE ANNEXURE-A, DISMISSING THE APPLICATION FOR INTERIM MAINTENANCE TO THE MINOR CHILDREN AND LITIGATION EXEPNSE AS PRAYED FOR, BEFORE TRAIL COURT.

THIS PETITION HAVING BEEN HEARD AND RESERVED ON 07.07.2026 COMING ON FOR PRONOUNCEMENT OF ORDER THIS DAY, **P SREE SUDHA J.**, MADE THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA

CAV ORDER

This writ petition is filed against the order dated 19.02.2025 passed on I.A. No.2 by the VI Additional Principal Judge, Family Court, Begaluru in M.C. No.3291 of 2023.

2. The petitioner wife filed I.A. No.2 before the Family Court for interim maintenance of Rs.30,000/- to each of minor children Including their educational expenses and litigation expenses of Rs.50,000/-. She stated that her marriage with respondent-husband was performed on 25.11.2006 and it was registered on 13.04.2007. They are blessed with one son on 01.04.2008 and one daughter on 16.03.2013. Presently, she is residing in her parental house with her children. The respondent-husband pursued B.Com and PGDM and working as Manager at HAL Aeronautics Limited, getting a net salary of



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Rs.87,574/- per month. The respondent-husband in his affidavit of assets and liabilities stated that he is having parents aged 72 years and 92 years and he has to take care of them. It is further stated that petitioner is the only daughter and she is having her own property of 3 storey building and getting the rent of Rs.46,000/- per month. It is further stated that respondent-husband has purchased the house property jointly in his name and in the name of his wife and presently, he is paying EMI of Rs.31,426/- and he is also paying LIC premiums of Rs.91,000/-, Rs.26,000/- in his name and a policy in the name of his son and paying Rs.11,000/- per month and he is also investing Rs.12,000/- per month in the name of his daughter in Sukanya Samruiddhi Yojana. It is stated that the children are studying in Kendriya Vidyalaya, wherein the educational expenses are not higher. The family Court considered all the aspects and dismissed in the application.

3. Aggrieved by the said order, the petitioner-wife preferred this petition and stated that children are aged 17 and 12 years respectively. While she was working as a teacher, she



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was also doing household works and the respondent has not allowed her to engage in any work and she handed over the rental income to him. It is further stated that 42 months of EMI of Rs.13,42,207/- had to be paid by her for the property purchased in the name of respondent and his mother in which her name is also included. She filed M.C. No.3291 of 2023 for dissolution of marriage and also filed an I.A. for interim maintenance and litigation expenses.

4. It is stated by the petitioner-wife that respondent-husband is employed at various companies like HP, Dr. Reddy's Laboratory, Manipal Accu Nova, etc and joined HAL Hyderabad in the year 2016. The house at JP Nagar was sold in the year 2016 for lakhs of rupees and with the said amount, they purchased another house at Kerala and later, it was sold to his sister. Her parents purchased a site and constructed house and gifted it to her in the year 2016 and it was rented out. In the year 2018, when the respondent-husband was transferred to Bangalore, they started residing in the first floor of the house. He insisted the petitioner to get amount from her parents for



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purchase of property at Kushal layout and also she was compelled to sell her jewellery to pay the EMI. It is further stated that respondent-husband purchased another property at Kerala in the year 2020 in the joint names of himself and his mother and the said loan is closed. Petitioner-wife is working as a teacher and with MA, B.Ed. qualification and getting meagre salary. Whereas, the respondent-husband is getting more than Rs.2,00,000/- apart from annual benefits and he is also getting Rs.30,000/- per month from rental income of the property at Kerala. The father of the respondent was in army and expired in the year 2014. Mother was also working in a public sector undertaking and is getting pension and his grandmother is also getting pension. There are no other dependents on him. Respondent has furnished IT returns and he is bound to maintain his minor children. Till today, he has not spent a single rupee towards their educational expenses and not even participated in PTM at school and he is not ready to contribute in any way for the improvement of the children. But the application filed by her for interim maintenance was dismissed



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without considering the above aspects and thus, requested to quash the order dated 19.02.2025.

5. It is submitted that the petitioner also filed her resignation letter dated 08.05.2025. Petitioner also filed the letter issued by the Principal of Miranda English Medium School on 10.05.2025 to show that her resignation letter dated 08.05.2025 is accepted on medical grounds and she was relieved from the institution on 30.04.2025. She filed medical report to show her ill-health.

6. Statement of objection is filed by respondent-husband in which he stated that the bank account of the petitioner shows surplus even after meeting personal expenses as she has no house rent. Children are refusing to have any contact with him at the instance of the mother. Children are covered under the medical insurance taken by him. It is stated that the petitioner-wife's family is having history of oncology related conditions and that may be the reason for her health issues. It is also contended that he is not liable to pay additional expenses arising from the unilateral decision of the petitioner



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without consulting him. The Family Court has rightly considered all the aspects and dismissed the petition.

7. The respondent-husband also filed MC No.7102 of 2023 for restitution of conjugal rights to secure safe and stable environment for the children. There is surplus amount of Rs.31,426/-. He also sent money orders to the children on the occasion of Christmas, New Year and on their birthdays, and their grandmother also issued gifts, but they refused it. The petitioner-wife left the matrimonial home and separated the children from him. Therefore, requested this Court to dismiss the application and prays for expeditious disposal of M.C. No.3291 of 2023.

8. The respondent-husband also filed rejoinder to the memo filed by the petitioner-wife. As per the report dated 25.02.2025, the petitioner underwent treatment at Chinmaya Mission Hospital, Bangalore and she has no malignant features and she can take rest for 6 weeks and she can attend her employment. He further stated that his daughter will continue her education in Kendriya Vidyalaya, where the educational



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expenses are comparatively reasonable and proportionate to the standard of living maintained by him. He made substantial contribution towards the welfare and long-term security of the children throughout the years. He was excluded from all significant decisions relating to the children's education, career planning, and future. He further stated that he should be granted visitation rights and meaningful participation in the upbringing and educational decision of the children. Any educational expenditure shall be commensurate with his financial capacity. He has further stated that he got limited service tenure of 10 to 12 years and all monetary transfers shall be effected only through bank accounts operated without any third party intervention.

9. Heard the arguments of learned counsel for both sides.

10. Perusal of the record shows that both of the petitioner and respondent are educated and working. The petition for divorce and restitution of conjugal rights filed by both the parties are also pending. The application filed by



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petitioner-wife for an interim maintenance of Rs.30,000/- was dismissed on the ground that the respondent-husband was already contributing Rs.11,000/- towards the policy in the name of their son and Rs.12,000/- per month in the name of their daughter, and also as he is paying EMI of Rs.31,426/-. Apart from that, it is stated that petitioner-wife is getting rent of Rs.46,000/- and she is also working and earning. But petitioner filed document to show that she resigned her job and she has no source of income now. Respondent stated that the educational expenses in Kendriya Vidyalaya are not much higher. Admittedly the children are aged 17 and 12 years respectively and they are pursuing their education. They are staying with a mother who is not working and earning and also suffering from health issues. It is further stated that father of respondent is expired. His mother and grandmother are getting pension and he is also getting rental income.

11. Considering all these facts, this Court finds that it is just and reasonable to direct the respondent-husband to pay amount towards educational expenses and litigation expenses.



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12. In the result, this petition is allowed. The order dated 19.02.2025 passed on I.A. No.II in M.C. No.3291 of 2023 by the Family Court is set aside.

The respondent-father is directed to pay an amount of Rs.15,000/- per month to each of the children from the date of petition. The respondent-father is further directed to pay 50% of the educational expenses and Rs.50,000/- towards litigation expenses.

**Sd/-
(P SREE SUDHA)
JUDGE**

CS
CT:NR
List No.: 3 Sl No.: 3