



CNR: KAHC010239272026

NC: 2026:KHC:47709
WP No. 11591 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO. 11591 OF 2026 (GM-FC)

BETWEEN:

SRI. VENU KRISHNA MURTHY,
S/O K.N.KRISHNA MURTHY,
AGED ABOUT 43 YEARS,
R/AT 51 OLD NO. 19
1ST FLOOR, PANDURANGA NILAYA
8TH CROSS BETWEEN 7TH
AND 8TH MAIN
OPP. G M REJOYZ CONVENTION HALL,
MALLESHWARAM,
BENGALURU - 560 003

...PETITIONER

(BY SRI. AVINASH P., ADVOCATE)

AND:

SMT. VAISHALLI NADAHALLI,
W/O ROHIT,
AGED ABOUT 38 YEARS,
R/AT 40/1, 6TH CROSS,
2ND FLOOR, J.J APARTMENT,
AGRAHARA DASARAHALLI,
BEHIND SHELL PETROL BUNK,
BENGALURU - 560063.

...RESPONDENT

(BY SRI. BHARATH B. YADAV, ADVOCATE FOR
SRI. MURALIDHAR H M.,ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASH THE
ENTIRE PROCEEDINGS IN CRL.MISC.NO.150/2023 VIDE

Digitally signed
by AASEEFA
PARVEEN
Location: HIGH
COURT OF
KARNATAKA



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ANNX-A PENDING BEFORE THE LD II ADDL. PRINCIPAL JUDGE FAMILY COURT AT BANGALORE CITY WHICH IS FOR THE ARREARS OF MAINTENANCE FILED UNDER PROVISION OF LAW SECTION 125(3) OF CPC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN B-GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL ORDER

Heard Sri.Avinash.P, learned counsel for the petitioner as well as Sri.Bharath.B.Yadav who represents Sri.Muralidhar.H.M, learned counsel on record for the respondent.

2. This writ petition is filed seeking the Court to quash the entire proceedings in Crl.Misc.No.150/2023 which are pending before the Court of II Additional Principal Judge, Family Court, Bengaluru.

3. The order sheet at Annexure-A does not disclose the details of the order basing on which the execution petition in Crl.Misc.No.150/2023 is filed.



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4. Learned counsel for the petitioner and learned counsel who represents the respondent collectively submitted that Crl.Misc.No.150/2023 was filed for execution of the order passed on IA No.I in Crl.Misc.No.264/2021 dated 11.08.2022.

5. The operative portion of the order is as under:

"IA No.I filed by the petitioners under Sec.125 of Cr.P.C. is hereby partly allowed.

The respondent is directed to pay monthly interim maintenance of Rs.20,000/- to the petitioner No.2 from the date of application (IA No.I) pending disposal of the case.

In default he shall pay interest at the rate of 6% p.a.

However, three months time is given to the respondent to pay arrears of maintenance and he shall pay future interim maintenance on or before 10th of every succeeding month."

6. Learned counsel for the petitioner submits that the execution petition is not maintainable on two grounds:

6.1 Firstly, respondent re-married and she is living with her husband whom she married again and thus she is



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not entitled for any maintenance and therefore, recovery proceedings should be quashed.

6.2 Secondly, petitioner filed a petition invoking the provisions of Guardians and Wards Act for custody of the child born out of lawful wedlock between the petitioner and respondent, said case is still pending and the child cannot live with the respondent/mother who has married again.

7. The submission that is made by learned counsel who represents the respondent is that interim maintenance of Rs.20,000/- per month was granted in favour of the child but not for the respondent. Petitioner failed to pay interim maintenance. For recovery of the same, Crl.Misc.No.150/2023 was filed and thus this writ petition is not maintainable.

8. As rightly contended, the Court of II Additional Principal Judge, Family Court, Bengaluru directed petitioner to pay the child a sum of Rs.20,000/- per month



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towards interim maintenance. Thus respondent marrying again should not be a ground to deny payment of maintenance to the child. Also child living with mother though mother marries again cannot be considered to be a ground for denial of maintenance to the child. Obligation vests on part of the father to pay maintenance to the child till the child becomes disentitled to receive maintenance. Therefore, this Court is of the view that there are no grounds to quash the proceedings as sought for.

Resultantly, the writ petition is *dismissed*.

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

NS,VS
CT:TSM
List No.: 1 SI No.: 44