



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.11920 OF 2023 (GM-FC)

BETWEEN:

DR. VIVEK. B. S.,
S/O LATE SRINIVAS MURTHY,
AGED ABOUT 36 YEARS,
R/AT NO.809/A2,
INCHARA, SADAN BADAVANE,
SARASWATHINAGARA,
DAVANAGERE-577005.

...PETITIONER

(BY MISS ANANYA RAI, ADVOCATE)

AND:

DR. SEEMA. T. G.,
W/O DR. VIVEK B.S.,
AGED ABOUT 35 YEARS,
R/AT NO.809/A2,
INCHARA, SADAN BADAVANE,
SARASWATHINAGARA,
DAVANAGERE-577005

...RESPONDENT

(BY SMT. MANJULA DEVI R. KAMADOLLI, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET
ASIDE THE ORDER DATED 22.02.2022 PASSED BY THE FAMILY

Digitally signed
by AASEEFA
PARVATHI
Location: HIGH
COURT OF
KARNATAKA



COURT DAVANGERE ALLOWING IA NO.3 IN MC 316/2019
FILED BY THE RESPONDENT HEREIN AT ANNEX-A AND ETC.

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

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL ORDER

Heard Ms.Ananya Rai learned counsel for the
petitioner as well as Ms.Manjuladevi R Kamadolli learned
counsel for the respondent.

2. Seeking the Court to set aside the order that is
passed by the Family Court, Davanagere on I.A.No.III in
M.C.No.316/2019 dated 22.02.2022, this writ petition is
filed.

3. Petitioner herein who is the husband of
respondent filed M.C.No.316/2019 against the respondent
seeking a decree of divorce. In the said case
respondent/wife filed an application i.e., I.A.No.III
invoking Section 24 of the Hindu Marriage Act and seeking



interim maintenance of Rs.15,000/- per month and Rs.25,000/- towards litigation expenses. Family Court through the impugned order directed petitioner/husband to pay respondent/wife a sum of Rs.8,000/- per month towards interim maintenance and Rs.5,000/- towards litigation expenses. Aggrieved by the same, this writ petition is filed.

4. Learned counsel for the petitioner submits that petitioner and respondent are dentists by profession. They lived happily for considerable period but due to disputes that arose between them, they started residing separately. Respondent high handedly occupied the clinic of the petitioner and started practicing. Respondent even occupied the house of petitioner. Petitioner thereby could not continue his practice as dentist and earn. Respondent even completed her LLB and is practicing as an advocate. Thereby respondent is earning substantial sum as dentist as well as an advocate. On the other hand, petitioner has got no source of earnings. Therefore, Family Court ought



not to have directed the petitioner to pay interim maintenance to the respondent. However, Family Court directed petitioner to pay a huge sum of Rs.8,000/- per month towards interim maintenance of the respondent and aggrieved by the same, this writ petition is filed. Learned counsel thereby seeks to set aside the impugned order.

5. Learned counsel who represents respondent submits that respondent is neither practicing as a dentist nor as an advocate. Indeed she is pursuing her education and she has not received any degree to practice as an advocate. So far as her practice as a dentist is concerned, respondent suffers with cervical spondylosis and other ailments and therefore, she is not practicing as a dentist also. On the other hand, petitioner is practicing as a dentist and he has got other movable and immovable properties. A meager sum of Rs.8,000/- is awarded towards interim maintenance and the petitioner is not paying that amount also. Learned counsel thereby seeks to dismiss the writ petition.



6. Respondent/wife has submitted her statement of assets and liabilities and a copy of the same is available on record. Learned counsel for the respondent during the course of her submission stated that petitioner has not submitted his statement of assets and liabilities despite granting sufficient time and a direction to do so by the Family Court. The reasons for non-filing of statement of assets and liabilities is not stated anywhere. At para 8 of the impugned order there is a mention that health department has rejected the application of the respondent for opening dental clinic. Also there is a mention that a notice was issued to the respondent that she has not renewed her license though the same was expired. No material is on record to show that respondent is practicing either as dentist or as an advocate as contented by learned counsel for the petitioner. By non-filing of statement of assets and liabilities, petitioner failed to disclose his financial status. A sum of Rs.8000/- per month was granted as interim maintenance. As petitioner has not



produced any convincing material with regard to his financial status and as liability vests upon him to file his statement of assets and liabilities as per the decision of the Hon'ble Apex Court in the case between Rajnesh vs Neha and another reported in (2021) 2 SCC 324 which he did not oblige, this Court is of the view that the decision taken by the Family Court that petitioner is under obligation to pay respondent a sum of Rs.8,000/- per month towards interim maintenance cannot be interfered with. Therefore, writ petition is disposed of with the following:

ORDER

(i) Writ petition is dismissed.

As the writ petition itself is disposed of, proceedings in I.A.No.1/2023 are closed.

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