



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO. 14714 OF 2024 (GM-FC)

BETWEEN:

SRI. BASAYYA VIRBHAADRAYAYA HIEMATHA
@ BASAVARAJ,
S/O LATE VIRBHAADRAYAYA HIEMATHA,
AGED ABOUT 37 YEARS,
R/AT NO. 454, HOSAPET SAKIN HARTI,
GADAG TALUK - 582103.

AND ALSO AT:
PAINTER/MECHANIC,
BRTC WORK SHOP,
HUBLI-580021.

...PETITIONER

(BY SRI. HARISH B. S.,ADVOCATE)

AND:

Digitally signed
by AASEEFA
PARVEEN
Location: HIGH
COURT OF
KARNATAKA

SMT. SREEDEVI BASAYYA HIEMATHA,
W/O. BASSYIA HIEMATH,
D/O RUDRAIAH G BAGALAKOTIMATH,
AGED ABOUT 30 YEARS,
R/AT NO.10/11, 12TH MAIN ROAD,
VENKATESHWAR BADAVANE,
HALAGEVADERAHALLI,
RAJARAJESHWARI NAGAR,
BENGALURU - 560 098.

...RESPONDENT

(BY SRI. RAUNAQ CHATTERJEE, ADVOCATE (NOC))

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASH /SET ASIDE
THE IMPUGNED ORDER DTD 11.03.2024 VIDE ANNEX-A PASSED
IN CRL MIS NO. 97/2023 ON THE FILE OF PRL JUDGE FAMILY



COURT BENGALURU BY PARTLY ALLOWING THE IA NO. II FILED BY THE RESPONDENT HEREIN U/S 125(2) OF CRPC ANNEXURE -D AND CONSEQUENTLY REJECT THE SAID IA NO. II BY ALLOWING THIS PETITION.

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.Harish.B.S learned counsel for the petitioner as well as Sri.Raunaq Chatterjee learned counsel for the respondent.

2. With a prayer to issue a writ of certiorari and to quash the order that is rendered by the Court of Principal Judge, Family Court, Bengaluru on I.A.No.II in Crl.Misc.No.97/2023 dated 11.03.2024, this writ petition is filed.

3. The relationship between the parties is not in dispute. Thus, petitioner is the husband of respondent. Also it is not in dispute that the marital bliss resulted in birth of a female child and the said child who is aged



around 8 years as on the date of filing of I.A.No.II is residing with respondent/mother.

4. Learned counsel for the petitioner submits that petitioner and respondent lived amicably for considerable period. Later disputes arose between them and hence, respondent left the matrimonial home along with the child. Petitioner who has got love and affection towards respondent and the child, filed a case for restitution of conjugal rights. A settlement was arrived at and thus, petitioner and respondent started residing under one roof. However, subsequently disputes again arose and thereby respondent left the house along with the child. Petitioner filed a case seeking decree of divorce and the same is pending. Respondent gave a false complaint against petitioner and got registered a criminal case. Also she filed a case seeking maintenance. She moved an interlocutory application i.e., I.A.No.II seeking interim maintenance. Family Court without looking at the financial status of petitioner and his responsibilities, directed petitioner to



pay respondent a sum of Rs.13,000/- per month in total i.e., Rs.8,000/- towards the maintenance of respondent and Rs.5,000/- towards maintenance of the child. Learned counsel contends that as the amount awarded towards interim maintenance is excessive, this writ petition is filed.

5. Learned counsel for the respondent on the other hand states that petitioner never cared to look after the welfare of the child. Learned counsel submits that respondent is incurring a sum of Rs.65,000/- per annum for the education of the child. Apart from that, respondent has to spend certain amount for the food and other necessities of the child and respondent is unable to spend such huge amount.

6. In reply to the said submission Learned counsel for the petitioner states that respondent is also working and thus, she has got capacity to maintain herself as well as the child.



7. Answering the same, learned counsel for the respondent states that respondent discontinued PUC. Thereafter to maintain herself, respondent learnt typing and stenography to certain extent. As respondent is suffering from piles, she is irregular in attending the office where she could get part time work. Thus, the earnings of respondent are not sufficient to maintain herself and the child.

8. Family Court taking into account the salary certificate produced by the petitioner, which revealed that his gross salary is Rs.30,610/- and the net salary is Rs.23,521/- for the month of November 2023 and the obligations of the petitioner, directed the petitioner to pay respondent a sum of Rs.13,000/- per month towards maintenance. Family Court held that respondent is entitled to Rs.8,000/- per month and the child Rs.5,000/- per month towards interim maintenance. However, there is no denial of the fact that petitioner is under obligation to maintain his mother also. The net salary of the petitioner



for the month of November 2023 as per the document produced by him is Rs.23,521/- only. Therefore, this Court is of the view that the sum arrived at by the Family Court is excessive. This Court considers that the interest of both parties can be protected in case petitioner is directed to pay respondent a sum of Rs.6,000/- per month towards interim maintenance and a sum of Rs.4,000/- per month for the maintenance of the child. Hence, the writ petition is disposed of with the following:

ORDER

- (i) The order that is rendered by the Court of Principal Judge, Family Court, Bangalore on I.A.No.II in Crl.Misc.No.97/2023 dated 11.03.2024 is modified.
- (ii) Petitioner herein is directed to pay respondent/wife a sum of Rs.6,000/- per month and the minor child a sum of Rs.4,000/- per month towards interim maintenance.



- (iii) Petitioner shall also pay the litigation expenses as directed by the Family Court through the interim order.
- (iv) Such payment shall be made from the date of filing of I.A.No.II until further orders by the Family Court.
- (v) All arrears at the rate mentioned above shall be cleared within a period of three months.
- (vi) Amount, if any, in deposit be transmitted to the concerned Family Court forthwith.

The writ petition is accordingly disposed of.

In the light of the disposal of writ petition, the proceedings in I.A.No.1/2026 and I.A.No.2/2026 are closed.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE