



CNR: KAHC010295302025

NC: 2026:KHC:45852
WP No. 15119 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO. 15119 OF 2025 (GM-FC)

BETWEEN:

SMT. TARA ALIAS MONICA RAJ,
W/O. GAGAN, D/O. S. C. GOPAL RAJ,
AGED ABOUT 35 YEARS,
RESIDING AT NO. 32, VIJAYALAKSHMI NILAYA,
SRI. VIGNESHWARA GUDI ROAD,
6TH PHASE, J. P. NAGAR,
BENGALURU - 560 078.

...PETITIONER

(BY SRI. SANDESH C.R., ADVOCATE FOR
SRI. RAVISHANKAR C R.,ADVOCATE (VC))

AND:

Digitally signed
by AASEEFA
PARVEEN
Location: HIGH
COURT OF
KARNATAKA

SRI. GAGAN,
S/O. T. K. ACHYUTANANDA,
AGED ABOUT 36 YEARS,
RESIDING AT NO. 10, 26TH BLOCK,
DR. RAJKUMAR ROAD,
G. S. S. COLONY,
MYSURU - 570 029.

...RESPONDENT

(BY SMT. MONICA PATIL, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF
THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE
ENTIRE RECORDS IN MC NO.7624/2022 PENDING
CONSIDERATION BEFORE THE HONBLE COURT OF I ADDL. PRL.
JUDGE, FAMILY COURT, BENGALURU VIDE ANNEX-A2 AND ETC.



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THIS PETITION, COMING ON FOR PART-HEARD, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL ORDER

Heard Sri.Sandesh.C.R who appears through video conference and represents Sri.Ravishankar.C.R learned counsel on record for the petitioner. Also heard Smt.Monica Patil learned counsel for the respondent who appears before this Court physically.

2. Seeking the Court to issue a writ in the nature of certiorari or any other appropriate writ and to quash the order that is rendered by the Court of I Additional Principal Judge, Family Court, Bangalore in MC No.7624/2022 dated 29.01.2025, this writ petition is filed.

3. Learned counsel for the petitioner submits that petitioner is the wife of respondent. Respondent/ husband filed MC No.7624/2022 against petitioner/wife seeking decree of divorce. In the said case, petitioner/wife filed an



interlocutory application under Section 24 of Hindu Marriage Act which came to be numbered as I.A.No.III seeking interim maintenance. That interlocutory application was neither allowed nor dismissed. Through the impugned order, Family Court just kept that application in abeyance. Aggrieved by the decision thus taken, wife is before this Court. Learned counsel submits that petitioner/wife has no source of earnings and she is required to be maintained by respondent/husband. Learned counsel thereby seeks to pass necessary orders.

4. Per contra, learned counsel for the respondent submits that as petitioner/wife failed to produce relevant documents, I.A.No.III was kept in abeyance by the Family Court. Learned counsel also states that petitioner/wife is under obligation to produce all relevant documents so as to dispose of I.A.No.III on merits by the Family Court. As she has not done so, I.A.No.III was kept in abeyance.

5. The impugned order is as under:



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"According to the affidavit of assets and liabilities filed by the respondent 31/8/2023, the respondent is not employed and not having any monthly income. Per contra, the SBI bank statement of the respondent dated 23/12/2023 shows that she is employed in Sea Shell Plastics and regularly drawing salary of Rs.10,034/- per month. Learned counsel for the respondent has come up with an explanation that, respondent was working before. But, at the time of filing of application and affidavit, she has left the job and not taken up any employment. Contrary to this explanation, the statement dated 7/9/2023 shows that, she has drawn salary of Rs.10,034/- pertaining to August 2023. This shows that, respondent has suppressed the material facts before this Court and sworn to a false affidavit.

That apart, she has not produced the last three years bank statement, pay slip and Income Tax returns as contemplated under Rajnesh Vs Neha case. It is mandate of the Hon'ble Apex Court that, Court shall pass orders on the application for interim maintenance after verification of assets and liabilities statement of both parties coupled with source of income i.e., pay slip, bank statements, properties standing in the name of either parties as well as Income Tax Returns. In this case, respondent has intentionally not produced necessary documents before this Court. **Therefore, I.A.No.III under Section 24 of Hindu Marriage Act is kept in abeyance till further orders.**"



6. As rightly contended by learned counsel for the petitioner, in case there are no merits in the application filed by the petitioner/wife seeking interim maintenance, Family Court ought to have dismissed that application and in case there were grounds to entertain, the Court should have ordered respondent/husband to pay interim maintenance to the extent petitioner/wife is entitled to. However, keeping an interlocutory application that too an application filed seeking interim maintenance by the wife in abeyance is improper. Therefore, this Court is of the view that the impugned order is required to be set aside. Thus, the writ petition is disposed of with the following:

ORDER

- i. The order rendered by the Court of I Additional Principal Judge, Family Court, Bangalore in MC No.7624/2022 dated 29.01.2025, is set aside.
- ii. The Court of I Additional Principal Judge, Family Court, Bangalore is directed to give time for one



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week to both parties to produce all relevant material for disposal of I.A.No.III on merits.

- iii. Family Court, Bangalore is directed to take up I.A.No.III thereafter for hearing and to dispose of the same on merits.
- iv. Entire exercise is ordered to be completed within a period of one month from the date of receipt of copy of this order.
- v. Registry to forward copy of this order to the concerned Court forthwith.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

DS
CT:TSM
List No.: 1 Sl No.: 11