

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10th DAY OF APRIL, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO.15772 OF 2025 (GM-FC)

BETWEEN:

BHARATH HOLLA K.,
S/O LATE DINAKARA HOLLA,
AGED ABOUT 39 YEARS,
NO.1256, 8TH "B" CROSS,
1ST "E" MAIN,
GIRINAGAR 2ND PHASE,
BENGALURU - 560 085.
KARNATAKA.

...PETITIONER

(BY SRI. GANESH K.,ADVOCATE)

AND:

SURABHI HANDE
AGED ABOUT 36 YEARS,
W/O BHARATH HOLLA K,
NO.464/111, MANJUNATHA NILAYA,
NILGIRI ROAD,
KASHIVISHWANATHA LAYOUT,
K.R. PURAM
BENGALURU - 560 036.
KARNATAKA

...RESPONDENT

(BY SRI. GOPALA GOWDA H.K.,ADVOCATE)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT(S) OR ORDER(S) OR DIRECTION(S) OR ANY OF THEM AND QUASH OR SET ASIDE THE ORDER DATED 19.09.2024 PASSED BY THE VI ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, BENGALURU, IN AN INTERLOCUTORY APPLICATION NO. II FILED BY THE RESPONDENT UNDER SECTION 125(1) OF THE CODE OF CRIMINAL PROCEDURE, 1973, IN CRL. MISC. NO. 654 OF 2021, AS IN ANNEXURE AI AND ETC.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 16.03.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE DR. JUSTICE K.MANMADHA RAO

CAV ORDER

The Petitioner-husband has approached this Court under Articles 226 and 227 of the Constitution of India, seeking to quash the order dated 19.09.2024 passed by the VI Additional Principal Judge, Family Court, Bengaluru, ("the family court" for short), in Crl.Misc.No.654/2021. By the said impugned order, the Family Court allowed Interlocutory Application No. II in part, directing the Petitioner to pay an interim maintenance of Rs.20,000/- per month to the Respondent-wife from the date of the petition, i.e., 10.12.2021.

2. The petitioner herein Husband is the respondent before the family court and Respondent herein wife is the petitioner in the family court.

3. For the sake of convenience the parties herein are referred to as per their ranking before this court.

The brief facts of the case are that:

4. The marriage between the Petitioner and the Respondent was solemnized on 03.09.2017 at Jayanagar, Bengaluru, according to Hindu rites and customs. No children were born from this wedlock, and the initial period of the marital relationship was described as cordial.

5. The Respondent-wife left the matrimonial home on 12.09.2018, purportedly to assist her mother with preparations for the Ganesha Chaturthi festival scheduled for 13.09.2018. The Petitioner contends that following this departure, the Respondent never returned to her matrimonial home.

6. A significant factual element involves the Petitioner's mother, a widow since 13.03.2000, who has suffered from recurrent strokes since 2009. Her medical condition deteriorated following multiple fractures in 2014, 2016, and most recently in 2024, leaving her bedridden, paralyzed, and dependent on a Ryles Tube and catheter for basic survival.

7. The Respondent initiated legal proceedings for maintenance under Section 125 of the Cr.P.C. in Crl.Misc.No.654 of 2021, wherein she filed Interlocutory

Application (I.A.) No. II seeking interim relief. On 19.09.2024, the VI Additional Principal Judge, Family Court, Bengaluru, passed the impugned order granting interim maintenance of Rs.20,000/- per month.

8. Aggrieved by the Family Court's order, the Petitioner approached this Court. ON 10.07.2025, this Court (Coram: Hon'ble Justice Lalitha Kanneganti) issued an Oral Order noting the Petitioner's contention that the Family Court granted maintenance without considering his financial status. Consequently, this court stayed all further proceedings pursuant to the 19.09.2024 order, subject to the condition that the Petitioner continues to pay a reduced maintenance of Rs.10,000/- per month and clears arrears of Rs.1,00,000/- within four weeks and the same has been complied by the Petitioner.

9. The learned counsel for the Petitioner/husband submits that the impugned order dated 19.09.2024 was secured through a "clear case of perjury" and fraud played upon the Family Court. By falsely alleging she was physically evicted, the Respondent/Wife sought to circumvent the statutory exceptions under Section 125(4) of the Cr.P.C., which

disentitle a wife to maintenance if she refuses to live with her husband without sufficient reason.

10. It is contended that the Respondent is a highly qualified professional, holding a B.E. in Computer Science Engineering (67%) and a Diploma in Dot Net Technology. Having previously been employed at INSZoom Software India Pvt. Ltd., she is an able-bodied person with the requisite skill sets to earn a living, yet she chooses to remain idle to claim maintenance.

11. The Petitioner highlights his paramount statutory and moral obligation to care for his paralyzed mother, a duty that has become a full-time commitment. This responsibility has severely impacted his own employment, forcing him to rely on his brother and his mother's savings, thereby rendering the enforcement of an exploitative maintenance order a "travesty of justice".

12. Placing reliance on the precedent of ***Pushpa B R v. State of Karnataka*** reported in ***(2018) SCC Online Kar 1220***, the Petitioner contended that a litigant who approaches the court with unclean hands and suppresses material facts is not entitled to any relief. The Respondent's admitted

contradictions regarding the date and nature of her separation constitute an abuse of the judicial process that should nullify the order.

13. Therefore, the Petitioner has invoked Article 21 of the Constitution of India, asserting that the Family Court failed to strike a balance between the right to seek maintenance and the provider's right to a dignified life. The Petitioner argues that the law should not punish a man for fulfilling his duty toward an elderly, bedridden parent by treating him as an emotionless machine.

14. Per contra, the learned counsel for the Respondent-wife, in her pursuit of maintenance, has categorically alleged that the Petitioner displayed a total lack of emotional investment in the marriage from its inception. She contends that she was subjected to persistent mental and physical abuse, asserting that the Petitioner sought to dominate her and treated her as a slave rather than a spouse. It is her specific case that this hostile environment and the Petitioner's alleged disinterest in preserving the marital bond led to her being ousted from the matrimonial home in September 2018.

15. With regard to financial standing, the Respondent asserts that the Petitioner is a qualified B.E. graduate with a substantial monthly income of approximately Rs.2,50,000/-. While the Petitioner alleges that the Respondent is capable of self-sustenance due to her educational qualifications and alleged involvement in her father's pharmacy business, the Respondent maintains that she possesses no independent source of income or ancestral property sufficient for her livelihood. Respondent contends that the Petitioner, being an able-bodied man with significant earnings, is legally bound to provide for her maintenance.

16. Heard learned counsel appearing for both the parties and perused the material on record.

17. Having considered the contentions advanced and after perusal of the material on record, the central legal challenge rests upon the Respondent's admission of a voluntary departure on 12.09.2018, which sharply contradicts her primary allegation of being physically thrown out on 15.09.2018. Under Section 125(4) of the Cr.P.C., the right to maintenance is conditional upon the wife having a sufficient reason to live separately. While the Petitioner alleges this

constitutes a fraud on the Court, such a determination requires a conclusive assessment by the Family Court at the final stage.

18. This Court must balance the Petitioner's genuine hardships against the Respondent's right to sustenance. It is undisputed that the Petitioner bears a significant moral and financial burden in providing round the clock care for his paralyzed mother, who is dependent on a Ryles Tube and catheter. However, the Family Court noted that the Respondent has no independent source of income and that the Petitioner notably failed to file his mandatory affidavit of disclosure of assets and liabilities during the interim proceedings. Consequently, the Family Court awarding interim maintenance of Rs.20,000/- appears to be slightly excessive.

19. In view of the advanced stage of the proceedings, an interim maintenance of Rs.15,000/- per month is deemed an equitable middle ground in place of Rs.20,000/- granted by the Family Court. This sum ensures the Respondent's sustenance while recognizing the Petitioner's financial constraints and the pending questions regarding the Respondent's conduct. Given that final arguments are underway, a direction for a time-

that final arguments are underway, a direction for a time-bound disposal is the most appropriate course of action to resolve these contested facts permanently.

20. In view of the above, this Court proceeds to pass the following:

ORDER

- i) The writ petition is ***allowed-in-part***.
- ii) The impugned order dated 19.09.2024 passed in Crl.Misc.No.654/2021 is hereby modified. The Petitioner shall pay an interim maintenance of Rs.15,000/- per month to the Respondent-wife from the date of the petition until final disposal.
- iii) The Petitioner is directed to clear all arrears calculated at the rate of Rs.15,000/- per month (after adjusting any payments already made) within a period of four weeks from today.
- iv) The VI Additional Principal Judge, Family Court, Bengaluru, shall conclude the proceedings on merits as expeditiously as possible from the

date of receipt of this order by giving opportunity to both the parties.

v) Both parties are directed to co-operate for a speedy disposal without seeking further adjournments. The maintenance amount fixed herein is an interim measure and shall be subject to adjustment based on the final judgment of the Family court.

**SD/-
(DR.K.MANMADHA RAO)
JUDGE**

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