



CNR: KAHC010319862023

NC: 2026:KHC:50465
WP No. 13507 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 13507 OF 2023 (GM-FC)

BETWEEN:

SMT. SULOCHANA
W/O.NANDHAKUMAR AZHAGARAJA
AGED ABOUT 51 YEARS,
RESIDING AT NO.118,
SHAMBHAVI NILAYA,
6TH MAIN, 1ST CROSS,
SHANKARANAGAR,
MAHAKLAKSHMI LAYOUT,
BENGALURU - 560 096

...PETITIONER

(BY SRI. DHIRAJ A.K., ADVOCATE)

AND:

SRI. NANDHAKUMAR AZHAGARAJA
S/O. SRI.S.K.AZHAGARAJA
AGED ABOUT 45 YEARS,
RESIDING AT NO.7, GURUVARAJA STREET,
HEAD POST OFFICE - PO, RAJAPALYAM,
VIRUDHUNAGAR DISTRICT - 626 117.

...RESPONDENT

(BY SMT.SANDHYA U PRABHU, ADVOCATE)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO MODIFY THE ORDER DATED: 20.4.2023 PASSED ON IA FILED U/S 24 OF HINDU MARRIAGE ACT IN M.C.NO.4560/2017 BY THE LEARNED II ADDL. PRL. JUDGE, FAMILY COURT, BENGALURU, PRODUCED AT ANNEXURE-H THEREBY ENHANCING THE QUANTUM OF

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KARNATAKA



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MAINTENANCE EFFECTIVE THE DATE OF APPLICATION FILED U/S 24 OF HINDU MARRIAGE ACT.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

Aggrieved by the orders dated 20.04.2023 passed on the IA filed under Section 24 of the Hindu Marriage Act, 1955, in MC.No.4560/2017, by the II Additional Principal Judge, Family Court, Bengaluru, the petitioner/wife is before this Court.

2. The parties are referred to as husband and wife for the sake of convenience.

3. The respondent/husband has filed MC.No.4560/2017 seeking divorce. In that case, the wife has filed an application seeking interim maintenance of Rs.1,50,000/- per month and payment of Rs.1,00,000/- towards litigation expenses. The Family Court has granted monthly interim maintenance of Rs.20,000/- and financial support of Rs.15,000/- for the minor child. The father is directed to bear 70% of the child's educational expenses, as per the documents produced by the wife, with the remaining 30% to be borne by the mother. The father is also directed to pay Rs.12,000/- towards one-time



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litigation expenses. Aggrieved thereby, the mother is before this court seeking enhancement of the maintenance amount.

4. Learned counsel appearing for the wife submits that the husband has failed to file his statement of assets and liabilities, as laid down by the Hon'ble Apex Court in the case of ***Rajneesh Vs. Neha***¹. It is submitted that, as per that judgment, if the statement of assets and liabilities is not filed, the Court can draw an adverse inference. Having recorded that the statement of assets and liabilities was not filed, the Family Court has granted maintenance of Rs.35,000/-. Learned counsel further submits that the amount sought by the wife, Rs.1,50,000/-, ought to have been granted by the Family Court.

5. Learned counsel appearing for the respondent/husband submits that the Family Court has considered all aspects and has rightly passed an order, and no interference is called for. Learned counsel further submits that there is no intention not to file the statement of assets and liabilities. If an opportunity is given, they will file the statement.

¹ (2021) 2 SCC 324



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6. Having heard the learned counsel on either side, perused the entire material on record. The husband has filed an MC petition seeking divorce, and the wife has filed an application under Section 24 of the Hindu Marriage Act, 1955 seeking maintenance. In light of the settled law, both the parties are required to file their respective statements of assets and liabilities. Unfortunately, in this case, the husband has not filed his statement of assets and liabilities. Because the husband failed to file his statement of assets and liabilities, the Family Court, on the basis of assumptions and presumptions, granted maintenance.

7. This Court is of the view that whenever the parties fail to file their statement of assets and liabilities, the Court must draw an adverse inference. Considering the submission of the learned counsel for the husband, who requested an opportunity to file the statement of assets and liabilities, in that view of the matter, this Court is passing the following:

ORDER

- i. The order passed in MC.No.4560/2017, dated 20.04.2023, by the II Additional Principal Judge, Family Court, Bengaluru, is **set aside**, and the



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matter is ***remanded back*** to the Family Court for fresh consideration.

- ii. Accordingly, the writ petition is ***Allowed***.
- iii. However, during consideration of the Petition by the Family Court, the husband shall continue to pay the maintenance as per the order dated 20.04.2023.
- iv. The Family Court shall dispose of the application on its merits in accordance with law as expeditiously as possible, strictly in accordance with the guidelines issued by the Apex Court in the case of ***Rajneesh Vs. Neha***.
- v. Pending IAs, if any, in the petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

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List No.: 2 Sl No.: 58
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