



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT APPEAL NO. 819 OF 2025 (GM-FC)

BETWEEN:

SMT SHRUTHI V
W/O PRAVEEN B. N
D/O VENKATESH,
AGED ABOUT 37 YEARS,
RESIDENT OF NO.305,
NEAR SRINIVASA MEDICAL STORES,
M.H.S ROAD KANAKAPURA TOWN,
RAMANAGARA - 562117

...APPELLANT

(BY SRI. MALLIKARJUNA R.MADAWAL, ADVOCATE)

AND:

SRI B N PRAVEEN
S/O NANJEGOWDA
AGED ABOUT 42 YEARS,
RESIDING AT NO.42/3, 2ND CROSS,
NEXT TO MUNESHWARA TEMPLE,
MUNESHWARANAGAR,
BANGALORE-560061

...RESPONDENT

Digitally
signed by
NIRMALA
DEVI

Location:
HIGH COURT
OF
KARNATAKA



THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SETTING ASIDE THE ORDER DATED 04/04/2025 PASSED BY THE HONBLE SINGLE BENCH IN WP NO.17920/2023, VIDE ANNEXURE-A AND ETC.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The appellant has filed the present appeal impugning the order dated 04.04.2025 [**impugned order**] passed by the learned Single Judge in Writ Petition No.17920/2023 (GM-FC). The said petition was preferred by the appellant impugning an order dated 19.04.2023 passed by the learned Family Court on an Interlocutory application filed under Sections 24 and 26 of the Hindu Marriage Act, 1955. In terms of the said order, the learned Family Court had directed interim maintenance of ₹25,000/- p.m., to be paid to the appellant and the minor child of the parties. The learned Single Judge had revised the said maintenance to ₹25,000/- for the appellant and ₹10,000/- for the minor child of the parties.



2. *Prima facie*, the said decision was rendered in exercise of the supervisory jurisdiction and not in exercise of powers under Article 226 of the Constitution of India.

3. The petition filed by the appellant also expressly states that it was under Article 227 of the Constitution of India.

4. Section 4 the Karnataka High Courts Act, 1961 [**1961 Act**] is set out below:

“4. Appeals from decisions of a single Judge of the High Court.—An appeal from a judgment, decree, order or sentence passed by a single Judge in the exercise of the original jurisdiction of the High Court under this Act or under any law for the time being in force, shall lie to and be heard by a Bench consisting of two other Judges of the High Court.”

5. It is apparent from the above that an intra-court appeal would lie only against an order passed in exercise of original jurisdiction. In view of the above, *prima facie*, the present appeal is not maintainable under Section 4 of the 1961 Act.

6. The learned counsel appearing for the appellant submits that the present appeal is maintainable on the strength of a decision of



a Coordinate Bench of this Court in Writ Appeal No.100006/2022 (GM-R/C).

7. A plain reading of the said decision indicates that the same is not in conformity with the decision of a seven-judge bench of this Court in ***Tamanna v. Renuka***¹. Although the court had noted the said decision, it had proceeded on the basis that it was erroneous on the doctrine of *sub silentio*. This conclusion was founded on the basis that the court had not considered the provisions of Section 10(f)(iva) of the 1961 Act. The relevant extract of the said Section reads as under:

“10. Other powers of a bench of two Judges.—
The powers of the High Court in relation to the following matters shall be exercised by a Bench of two Judges:—

- a) (i) xxx,-
- b) (a) xxx
- c) (b) xxx).
- d) (ii) xxx;
- e) (iv) xxx;

f) (iva) an appeal from any original judgment, order or decree passed by a single Judge in exercise of the powers under clause (1) of article 226, article 227 and article 228 of the Constitution of India.

- g) (v) xxx”

¹ (2009) SCC OnLine KAR 127



8. *Prima facie*, a plain reading of Section 10 of the Act indicates that it determines the matters that are required to be heard by a Bench of Two Judges. Thus, it specifies the quorum and does not create the remedy of an appeal. The remedy of an appeal is provided under Section 4 of the 1961 Act.

9. We also note that the decision in ***Tamanna*** (*supra*) had also considered the earlier decision of a Five Judge Bench of this Court in ***Gurushanth Pattedar v. Mahaboob Shahi Kulburga Mills and Anr***².

10. Although we have reservations as to the decision in Writ Appeal No.100006/2022, particularly because it is contrary to the decision of the Seven Judge Bench of this Court in ***Tamanna*** (*supra*), we do not consider it apposite to examine this issue in any further detail in the present petition.

11. We note that the impugned order was rendered in a petition filed against an Interlocutory order fixing the interim maintenance. The learned Single Judge has enhanced the amount of interim maintenance. We are informed that the final arguments have been

² ILR 2005 KAR 2503



heard by the learned Family Court. Therefore, it would not be apposite to entertain the present appeal at this stage.

12. The appeal is, accordingly, dismissed. We, however, clarify that the learned Family Court shall decide the question as to maintenance uninfluenced by any observations made in this order or the impugned order.

13. All pending applications are also disposed of.

**SD/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**SD/-
(C.M. POONACHA)
JUDGE**

ND
List No.: 2 SI No.: 31