



CNR: KAHC010374742024

NC: 2026:KHC:44974-DB
MFA No. 4435 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

MISCELLANEOUS FIRST APPEAL NO.4435/2024(FC)

BETWEEN:

SRI. M HARISH
S/O MANOHAR,
AGED ABOUT 43 YEARS,
R/AT NO 4076/26, 9TH CROSS,
GAYATHRI NAGAR, BANGALORE 560 021.
PRESENT RESIDING
SRI. M HARISH,
HOUSE NO 485, 16TH WARD,
TANK ROAD, DODDABALLAPURA,
BANGALORE 561 203.

...APPELLANT

(BY SRI. NAGARAJA K.R.,ADVOCATE)

AND:

SMT. D NETHRA,
D/O DORESWAMY,
AGED ABOUT 37 YEARS,
RESIDING AT NO 4076/26,
9TH CROSS, GAYATHRI NAGAR,
BANGALORE 560 021.

...RESPONDENT

(BY SRI. BHANU RAVINDER.,ADVOCATE)

THIS MFA FILED U/S 19(1) OF FAMILY COURTS ACT
AGAINST THE JUDGMENT AND DECREE DATED 20.03.2024
PASSED IN MC NO. 4521/2021 ON THE FILE OF THE III
ADDITIONAL PRL. JUDGE, FAMILY COURT, BENGALURU,
ALLOWING THE PETITION FILED UNDER SECTION 13(1A) OF
THE HINDU MARRIAGE ACT, 1955.

Digitally
signed by
MALA K N
Location:
High Court
of Karnataka



CNR: KAHC010374742024

NC: 2026:KHC:44974-DB
MFA No. 4435 of 2024

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

CORAM: HON'BLE MR. JUSTICE D K SINGH
AND
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN)

The present appeal is directed against the judgment and decree dated 20.03.2024 passed by the learned III Additional Principal Judge, Family Court, Bengaluru, in M.C.No.4521/2021 ('the Family Court' for brevity) whereby the petition filed by the petitioner-husband under Sections 13(1)(ia) and 13(1)(ib) of the Hindu Marriage Act, 1955, came to be allowed and the marriage solemnized between the petitioner and the respondent on 05.02.2009 at GBB Kalyana Mantapa, Vijayanagar, Bengaluru, was dissolved by a decree of divorce.

2. The Family Court further directed the petitioner to pay a sum of Rs.15,00,000/- to the respondent towards permanent alimony. The present appeal is confined only to the said direction relating to payment of permanent



NC: 2026:KHC:44974-DB
MFA No. 4435 of 2024

CNR: KAHC010374742024

alimony. The respondent has not challenged the decree of divorce.

3. For the sake of convenience, the parties shall be referred to as they were arrayed before the Family Court.

4. The marriage between the parties was solemnized on 05.02.2009. At the time of marriage, the petitioner was working at Central Manufacturing Technology Institute (CMTI), whereas the respondent was employed in a private establishment. According to the petitioner, the marriage was initially cordial, but subsequently differences arose between the parties, particularly with regard to the respondent's alleged refusal to discharge matrimonial obligations and her insistence on living separately from his parents. The petitioner further alleged that the respondent refused to have a matrimonial relationship with him, frequently picked up quarrels and subjected him and his parents to disrespect.



NC: 2026:KHC:44974-DB
MFA No. 4435 of 2024

CNR: KAHC010374742024

5. It was his case that the respondent left the matrimonial home on 05.05.2009 without informing him or his parents and thereafter initiated proceedings alleging harassment and cruelty.

6. The respondent, upon appearance before the Family Court, admitted the relationship and also admitted that she had been living separately from the petitioner since 05.05.2009. However, she contended that she had been subjected to physical and verbal abuse by the petitioner and his family members and was therefore constrained to reside with her parents. She further stated that she had instituted proceedings for restitution of conjugal rights and that, despite an order being passed in those proceedings, the petitioner did not resume cohabitation with her. According to her, she was driven out of the matrimonial home when she was about two months pregnant and that the petitioner did not visit or take care of her during her pregnancy. She gave birth to a male child on 09.12.2009 and alleged that the petitioner failed



CNR: KAHC010374742024

to provide necessary care and support to her and the child.

7. Before the Family Court, the petitioner examined himself as PW-1 and produced Exhibits P-1 to P-17. The respondent examined herself as RW-1 and produced Exhibit R-1. Upon appreciation of the oral and documentary evidence, the learned Family Court answered the issue relating to dissolution of marriage in favour of the petitioner and granted a decree of divorce. The learned Family Court also directed the petitioner to pay Rs.15,00,000/- to the respondent towards permanent alimony.

8. The petitioner has approached this Court questioning only the award of permanent alimony. His principal contention is that the respondent had neither made a specific claim for permanent alimony nor adduced evidence regarding the same and that the learned Family Court had granted the amount without framing an issue or determining the respective financial circumstances of the



CNR: KAHC010374742024

parties. It is further contended that the respondent was earning approximately Rs.30,000/- per month and that, pursuant to the order passed by this Court in RPFC No.174/2018, the petitioner was already paying maintenance of Rs.15,000/- per month. On these grounds, the petitioner seeks setting aside of the direction to pay Rs.15,00,000/- towards permanent alimony.

9. We have heard the learned counsel appearing for both parties and carefully perused the pleadings, evidence and material available on record. Since the respondent has not challenged the decree of divorce, it is unnecessary for this Court to examine the findings recorded by the Family Court on the grounds of cruelty or desertion.

10. The only question that arises for consideration in the present appeal is:

"Whether the direction to pay Rs.15,00,000/- towards permanent alimony calls for interference by this Court?"



CNR: KAHC010374742024

11. It is well settled that while determining the quantum of maintenance or permanent alimony, the Court is required to take into consideration the financial capacity of the parties, their respective income and assets, liabilities, standard of living, reasonable requirements and the obligations of the spouse who is required to make the payment.

12. In ***Rajnish v. Neha***¹, the Hon'ble Supreme Court has laid down comprehensive guidelines requiring the parties to place on record their assets and liabilities so that the Court is in a position to arrive at a fair and realistic determination of maintenance. The said requirement is intended to ensure transparency and to enable the Court to make an informed assessment of the financial circumstances of both parties.

13. In the present case, admittedly, neither party placed before the Family Court a complete statement of

¹ (2021) 2 SCC 324



CNR: KAHC010374742024

assets and liabilities in the manner contemplated by the guidelines laid down by the Hon'ble Supreme Court in ***Rajnish (supra)***. The petitioner has also not produced any documentary material establishing that the respondent was earning Rs.30,000/- per month. At the same time, the respondent has not placed any material before the Court to establish her precise financial requirements or to substantiate the basis on which permanent alimony was claimed.

14. The principles governing permanent alimony have also been reiterated by the Hon'ble Supreme Court in ***Manish Jain v. Akanksha Jain***². The Hon'ble Supreme Court has held that the financial position of the parents of the applicant/wife would not be material. While determining the quantum of maintenance, the Court must take into consideration the status of the parties and capacity of the spouse to pay for her or his support. Maintenance is dependent upon the factual situation. The

² (2017) 15 SCC 801



NC: 2026:KHC:44974-DB
MFA No. 4435 of 2024

CNR: KAHC010374742024

court should mould the claim for maintenance based on various facts brought before it. On the other hand, the financial capacity of the husband, his actual income, reasonable expense for his own maintenance and dependent family members whom he is obligated to maintain under the law, liabilities if any, would be required to be taken into consideration to arrive at the appropriate quantum of maintenance to be paid. The court must have due regard to the standard of living of the husband as well as spiralling inflation rates and high cost of living.

15. The plea of the husband that he does not possess any source of income *ipso facto* does not absolve him of his moral duty to maintain his wife if he is able bodied and as educated qualification. As per the decision of the Hon'ble Supreme Court in ***Reema Salkan v. Sumer Singh Salkan***³ and ***Anju Garg and Others v. Deepak Kumar Garg***⁴, when the husband is able bodied, he has to work and pay maintenance to his wife and that

³ (2019) 12 SCC 303

⁴ SCC online SC 1314



CNR: KAHC010374742024

the Court, while determining maintenance, is required to strike a just balance between the competing considerations and arrive at an amount which is fair to both parties.

16. In the present case, the material on record indicates that the petitioner was employed with CMTI, a Government Undertaking under the Ministry of Heavy Industries. The Family Court, having regard to the financial position of the parties, their standard of living and the responsibility towards the child, awarded a sum of Rs.15,00,000/- towards permanent alimony so as to enable the respondent to maintain herself with dignity and also to contribute towards the upbringing of the child.

17. Having regard to the overall circumstances of the case, we find no sufficient ground to interfere with the quantum fixed by the Family Court. However, both learned counsel have agreed that, in view of the payment of the amount of Rs.15,00,000/- towards permanent alimony,



NC: 2026:KHC:44974-DB
MFA No. 4435 of 2024

CNR: KAHC010374742024

there shall be no further liability on the petitioner to pay monthly maintenance of Rs.15,000/- awarded in RPFC No.174/2018. The said submission is reasonable and is accordingly accepted.

18. It is not in dispute that the petitioner has already deposited a sum of Rs.7,50,000/- before this Court pursuant to the order dated 13.11.2024. The respondent shall be at liberty to withdraw the said amount. The petitioner is directed to pay the balance sum of Rs.7,50,000/- to the respondent within one month from the date of receipt of a copy of this order.

19. For the foregoing reasons, the appeal ***stands disposed of*** in terms of the above directions.

The direction of the Family Court to pay Rs.15,00,000/- towards permanent alimony is accordingly affirmed. In view of the agreed arrangement, the petitioner shall not be liable to pay any further monthly



NC: 2026:KHC:44974-DB
MFA No. 4435 of 2024

CNR: KAHC010374742024

maintenance pursuant to the order passed in RPFC No.174/2018.

Before parting with the matter, we deem it appropriate to reiterate that the guidelines issued by the Hon'ble Supreme Court in the case of **Rajnesh** (supra) shall be followed strictly. The Family Courts shall insist upon both parties furnishing their respective affidavits of assets and liabilities before determining maintenance or permanent alimony, so as to enable the Court to make a fair, objective and realistic assessment of the financial circumstances of the parties.

The Hon'ble Supreme Court, in **Aditi v. Jitesh Sharma⁵**, decided on 06.11.2023, has also directed that the judgment in the case of **Rajnesh** (supra) be re-circulated to all the Judicial Officers through the concerned High Courts and to the National Judicial Academy and State Judicial Academies, so that the principles laid down

⁵ 2023 SCC OnLine SC 1451



CNR: KAHC010374742024

**NC: 2026:KHC:44974-DB
MFA No. 4435 of 2024**

therein are duly taken note of during judicial training programmes.

Accordingly, the appeal is dismissed in the above terms. There shall be no order as to costs.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(H.SHANTHI BHUSHAN)
JUDGE**

KNM
List No.: 1 Sl No.: 16