



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 5<sup>TH</sup> DAY OF JANUARY, 2026**

**PRESENT**

**THE HON'BLE MR. JUSTICE JAYANT BANERJI**

**AND**

**THE HON'BLE MR. JUSTICE T.M.NADAF**

**MISCELLANEOUS FIRST APPEAL NO.10175 OF 2018 (FC)**

**BETWEEN:**

M. SUDHIR,  
AGED ABOUT 33 YEARS,  
S/O MUTHARAYAPPA,  
R/AT RAMYA NILAYA,  
5<sup>TH</sup> CROSS,  
ADARSHNAGAR,  
TUMKUR,  
TODAY AT BENGALURU.

...APPELLANT

(BY SRI. P. DHANANJAYA, ADVOCATE)

**AND:**

SMT. H. S. SWETHA,  
W/O SRI. M. SUDHIR,  
D/O SHANTHA RAJU,  
AGED ABOUT 31 YEARS,  
R/AT C/O CHANDRAPPA,  
NEAR MAHANIYA STUDENT HOSTEL,  
8<sup>TH</sup> MAIN ROAD,  
ASHOKNAGAR,  
TUMKUR - 572 103.

Digitally  
Signed by  
REKHA R  
Location :  
High Court  
of  
Karnataka



ALSO AT C/O AJITH KUMAR,  
MAHAVEER MANSION,  
9A CROSS, ASHOKA NAGAR,  
TUMKUR - 572 103.

WORKING AS  
TRAINER AND IN-CHARGE  
AT M/S. APPAREL TRAINING  
AND DESIGN CENTRE (ATDC),  
CITY MUNICIPAL CORPORATION,  
3<sup>RD</sup> FLOOR, OLD B.M.ROAD,  
RAMNAGAR DISTRICT - 571 511.

...RESPONDENT

(BY MS. GAYATHRI T.N. ADVOCATE FOR  
SRI. CHANDRAIAH, ADVOCATE)

THIS MFA FILED UNDER SECTION 19(1)(G) OF THE  
HINDU MARRIAGE ACT, PRAYING TO SET-ASIDE THE ORDER  
DATED 19.11.2018 PASSED BY THE III ADDITIONAL PRINCIPAL  
JUDGE, FAMILY COURT, AT BENGALURU IN M.C.NO.595/2015,  
SO FAR AS IT RELATES TO PAYMENT OF RS.8,000/- PER  
MONTH TOWARDS MAINTENANCE OF MINOR CHILD ON I.A.  
FILED BY THE RESPONDENT U/S 24 & 25 OF HINDU MARRIAGE  
ACT, BY ALLOWING THIS APPEAL, IN THE INTEREST OF  
JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI  
AND  
HON'BLE MR. JUSTICE T.M.NADAF



**ORAL JUDGMENT**

(PER: HON'BLE MR. JUSTICE JAYANT BANERJI)

Heard learned counsel for the parties.

2. This appeal is filed seeking to set aside the judgment and decree dated 19.11.2018 passed by the III Additional Principal Judge, Family Court, Bengaluru in M.C. No.595/2015, insofar as it relates to the grant of maintenance of Rs.8,000/- per month towards maintenance of the minor child.

3. It appears that a petition under Sections 13 (1)(ia) (ib) of the Hindu Marriage Act, 1955, was filed for dissolution of marriage by the appellant against the respondent. One of the issues/points framed by the Family Court was whether the respondent proves that she is entitled to maintenance/permanent alimony as prayed for in I.A. Nos.3, 6 and 5. This point was answered partly in the affirmative. It is not disputed by the parties that from the wedlock, a child, Nithish was born on 11.03.2012. While discussing point No.2, the Family Court recorded



that during cross-examination, PW.1 has admitted that he had agreed to pay Rs.4,000/- per month to the respondent in respect of maintenance of their minor son.

4. The Trial Court was of the opinion, and in our view, correctly so, that it is the responsibility of both parents to maintain their children and therefore, the appellant had to pay maintenance to the respondent in respect of the minor son till he attains the age of majority. The appellant was earning income from real estate business. Therefore, having regard to the requirement and future of the child, the capacity and financial condition of the parties, it was directed by the Court that the appellant would pay a sum of Rs.8,000/- per month to the respondent towards the maintenance of the minors son, Nithish, from the date of the decree till the date of attainment of majority. The amount has to be paid to the respondent on or before the fifth day of every succeeding month.



5. Learned counsel for the appellant has not been able to dispute any of the findings recorded by the Family Court with regard to the aspect of maintenance. It has, however, been stated that by means of an interim order passed by this Court, an amount of Rs.5,000/- per month was directed to be paid during the pendency of the appeal.

6. Learned counsel for the respondent states that no amount whatsoever has been paid by the appellant to the respondent in respect of the maintenance of the minor child. No material has been produced before the Court to demonstrate that the financial condition of the appellant has deteriorated or that there is any other reason for him not to discharge his obligation towards his only child born from the wedlock of the appellant and the respondent.

7. The fact that the child has been maintained by the respondent all along without the necessary financial input from the appellant would not absolve the appellant of his solemn duty and obligation for the maintenance of his son. We see no reason to alter the order passed by the



Family Court in this regard. The Family Court has already granted indulgence to the petitioner by granting maintenance to be paid to his son by him from the date of decree and not from the date of filing of the matrimonial case.

8. For the reasons aforesaid, we find no merit in this appeal and it is therefore ***dismissed***.

**Sd/-  
(JAYANT BANERJI)  
JUDGE**

**Sd/-  
(T.M.NADAF)  
JUDGE**

TMP  
List No.: 1 Sl No.: 23  
ct-vn