



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO. 26739 OF 2024 (GM-FC)

BETWEEN:

MR. SYED ABDUL AZEEZ ALIAS IRFAN
AGED ABOUT 43 YEARS
S/O ABDUL KHALIQ,
NO.31/1, 6TH CROSS,
NANDIDURGA EXTENSION
BANGALORE- 560 046.

...PETITIONER

(BY SRI. KASHINATH J.D.,ADVOCATE)

AND:

MRS.SYEDASHABEEB FATHIMA
AGED ABOUT 42 YEARS
D/O SYED USMAN ALI @ JEELANI
R/AT NO.55/B, 40TH CROSS,
II MAIN ROAD, 8TH BLOCK,
JAYANAGAR,
BANGALORE- 560 082.

...RESPONDENT

(BY SMT.REENA R.,ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 31-07-2024 IN SO FAR AS ISSUANCE OF NBW ALSO TO QUASH THE ORDER DATED 03-09-2024 WHERE APPLICATION FOR RECALL THE NBW REFUSED IN CRL. MISC. NO.316/2022 PENDING ON THE FILE OF THE I ADDL. PRINCIPLE FAMILY JUDGE, BENGALURU AS PER ANNEXURE-A AND ETC.

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by
VIJAYALAKSHMI
B N



Location: HIGH
COURT OF
KARNATAKA



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

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

ORAL ORDER

This Writ Petition is filed by the petitioner/husband under Articles 226 and 227 of the Constitution of India, praying to stay the order dated 31.07.2024 passed in Crl.Misc.No.316/2022 on the file of the I Addl. Principal Family Judge at Bengaluru and also to stay all further proceedings in Crl.Misc.No.316/2022.

2. Heard the learned counsel for the parties.

3. The petitioner is the husband respondent is the wife before the Family Court.

The brief facts of the case are as under:

4. The petitioner and respondent were married according to Muslim Law at Kodava Samaj Function hall, Bengaluru. After marriage both of them shifted to Jordan where petitioner was employed. Due the marital discord, the dissolution of marriage took place in the year 2005. The petitioner returned to India and secured another employment and contracted second



marriage. The respondent initiated a proceeding under Section 125 of Cr.P.C., claiming maintenance. The family Court, after holding enquiry, directed the petitioner to pay Rs.20,000/- per month to the respondent till her lifetime or until she would contract second marriage.

5. The petitioner had paid Rs.6,000/- by way of D.D to the respondent for the iddat period of three months. The respondent approached Family Court by filing Criminal Misc.No.192/2006 seeking maintenance under Section 125 of Cr.P.C. Initially, Rs.10,00/- maintenance was order and on 15.03.2016, Family Court disposed of the above said Criminal Misc.No.192/2006 and ordered the petitioner to pay Rs.20,000/- per month to the respondent as maintenance. Being aggrieved by the order passed in Criminal Misc.No.192/2006, the petitioner approached this Court by filing RPFC No.62/2016, which was dismissed by order dated 31.03.2022. The respondent initiated recovery proceedings by filing Crl.Misc.No.316/2022 on the file of the Principal Judge, Family Court, Bengaluru. On 05.05.2022, the petitioner entered his appearance and on 16.08.2022, he filed detailed statement of objections to the miscellaneous petition. The respondent



filed an application I.A.No.II on 12.10.2022 under Section 125(2) read with Section 127(2) of Cr.P.C., seeking alteration of award of maintenance passed in Crl.Misc.No.192/2006 based on the changed circumstances. Objections to I.A.No.II was filed on 22.02.2023. Thereafter, on 31.07.2024, learned counsel for the respondent filed a memo that total arrears of maintenance as on 31.07.2024 amounts to Rs.31,57,521/- and NBW was issued against the respondent returnable by 03.10.2024. Thereafter, the petitioner-husband has filed the present writ petition against the respondent-wife.

6. Heard the learned counsel for the parties.

7. Learned counsel for the petitioner-husband has paid a sum of Rs.1,80,000/- being maintenance including arrears of maintenance for the months of December 2025, January and February 2026 to the learned counsel for respondent-wife.

8. Learned counsel for the respondent has acknowledged the same.

9. On hearing the submission of learned counsel for the petitioner and going through the order sheet, it is noted that this Court by Order dated 01.10.2024, directed the petitioner-husband to deposit an amount of Rs.2,00,000/- by 03.10.2024



and continue to pay Rs.60,000/- every month including the maintenance till I.A.No.II is decided by the Court. Interim order was extended from time to time. On 03.02.2025, as there was a dispute regarding payment of maintenance and arrears of maintenance between the husband and wife, this Court directed to file a memo of calculation with details for having paid and received the amount and extended the interim till next date of hearing. On 23.07.2025, stay was extended subject to condition that if interim order is not complied, stay would be vacated without further reference to the court. Thereafter, on 21.08.2025 also interim order was extended subject to condition.

10. It appears that the petitioner-husband has complied with the interim order granted by this Court on 01.10.2024 by paying arrears of maintenance upto 17th February 2026.

11. Learned counsel for the petitioner submits that I.A.No.II is kept pending before the Family Court since 22.02.2023 causing much hardship to the petitioner-husband. Thereafter, NBW is issued against the husband. It is submitted that he is paying monthly maintenance and has paid arrears of maintenance upto February 2026. Therefore, he prays for a



direction to the Family Court for speedy disposal of I.A.No.II and for setting aside the NBW issued on 31.07.2024.

12. Learned counsel for the respondent has acknowledged receipt of arrears of maintenance upto February 2026.

13. Therefore, the following order is passed:

i) The petitioner is directed to pay the maintenance amount of Rs.60,000/- p.m., every month till the disposal of I.A.No.II by the Family Court.

ii) NBW issued against the petitioner on 31.07.2024 is recalled.

iii) The Family Court is directed to dispose of I.A.No.II filed under Section 125(5) read with Section 127(2) of Cr.P.C., seeking alteration of maintenance in CrI.Misc.No.316/2022 on the file of the Principal Judge, Family Court, Bengaluru, as expeditiously as possible, not later than six months from the date of receipt of this order.

iv) Both the parties shall appear before the Family Court within fifteen days from the date of



receipt of this order and the Family Court shall fix the next date of hearing.

v) Both the parties are directed to co-operate for the speedy disposal of I.A.No.II pending in Crl.Misc.No.316/2022.

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

BNV
List No.: 1 Sl No.: 48