



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO.27981 OF 2025 (GM-FC)

BETWEEN:

SHRI. S. KUMAR,
S/O LATE J.SIDDAYYA
AGED ABOUT 53 YEARS,
RESIDING AT DOOR NO.113,
5TH CROSS, KURUBARAHALLI,
MYSORE-570011.

...PETITIONER

(BY SRI. ARUN C., ADVOCATE FOR
SRI. SANJAYA KUMAR K.N., ADVOCATE)

AND:

1. DANYATHA KUMAR
D/O SRI. S.KUMAR
AGED ABOUT 15 YEARS
2. THRIYAKSHA M.K
D/O SRI. S.KUMAR
AGED ABOUT 10 YEARS

BOTH REPENDENTS NO. 1 AND 2 ARE
BEING MINOR
REPRESENTED BY THEIR MOTHER
HAS A NATURAL GUARDIAN
SMT. GEETHA @ VANAJAKSHI
D/O SRI LATE JAVARAPPA.T.L,

Digitally signed by
AASEEFA
PARVEEN
Location: HIGH
COURT OF
KARNATAKA



AGED ABOUT 43 YEARS,
RESIDING AT HOMBAMMA
GANGANNA NILAYA,
2ND STAGE, 5TH CROSS,
KRISHNAGARI,
YARAGANAHALLI BADAVANE,
MYSORE CITY-571124

...RESPONDENTS

(BY SRI. GAURAV SUBRAMANYAM, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER OF INTERIM MAINTENANCE DATED 21.07.25 PASSED IN CRL. MISC NO. 168/24 ON THE FILE OF 3RD ADDL. PRINCIPAL JUDGE, FAMILY COURT , MYSURU VIDE ANNEX-A.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL ORDER

Heard Sri.Arun.C who represents Sri.Sanjaya Kumar.K.N learned counsel on record for the petitioner as well as Sri.Gaurav Subramanyam learned counsel for the respondents.



2. Seeking the Court to quash the order that is rendered by Court of III Additional Principal Judge, Family Court, Mysuru on I.A.No.II in CrI.Misc.No.168/2024 dated 21.07.2025, this writ petition is filed.

3. As borne by record, the minor daughters of the petitioner herein filed I.A.No.II seeking Rs.20,000/- per month as interim maintenance besides Rs.75,000/- per annum towards educational expenses. Family Court through the impugned order directed the petitioner/father to pay respondents/children a sum of Rs.4,000/- each per month as interim maintenance. Further, petitioner was directed to pay Rs.5,000/- towards interim litigation expenses.

4. Learned counsel for the petitioner states that the ex-wife of the petitioner, who is the mother of the respondents, started living in adultery. Therefore, disputes arose between them and mother left the house along with the children. Petitioner filed a case seeking a decree of



divorce and a decree accordingly was granted. Thereafter, only to harass the petitioner, the ex-wife of petitioner got filed a case against petitioner through her daughters seeking maintenance. Learned counsel also submits that petitioner suffers with High BP, diabetes and other ailments and thus, he is not in a position to attend any work. On the other hand, the mother of respondents runs a beauty parlour and has got sufficient means not only to maintain herself but also to maintain the children. Therefore, Family Court ought not to have directed petitioner to pay maintenance to the children. Learned counsel thereby seeks to quash the impugned order.

5. Per contra, learned counsel for the respondents submits that the paternity of the children is not in dispute. Mother of the children has no source of earnings. No material whatsoever was produced by the petitioner to show that she runs a beauty parlour. That apart, it is the liability of the father to maintain his children, that too minor girls. Though a sum of Rs.20,000/- per month was



claimed towards interim maintenance for each child, Tribunal directed the petitioner to pay them a sum of Rs.4,000/- only per month each. Said sum is not sufficient to meet the educational expenses, food, clothing etc., Therefore, this writ petition is not maintainable.

6. While the version of the petitioner is that the mother of respondents runs a beauty parlour and earns Rs.40,000/- per month, the version of the respondents is that the petitioner owns a car, uses that car for tours and travels, is a driver by profession and thereby earns more than Rs.40,000/- per month. However, both parties failed to produce any proof in support of their contentions. Though before this Court, learned counsel for the petitioner states that petitioner suffers with acute illness, record discloses failure of production of any proof to that effect before the Family Court. As rightly contended by learned counsel for the respondent, a sum of Rs.4,000/- will not be sufficient to meet all the needs of the child including providing proper education, food and



nourishment, clothing, transportation, medical facilities etc., Thus, the remaining amount should naturally be borne by the mother of the respondents. Petitioner cannot claim total denial of responsibility to maintain the children on the ground of ill health that too where no proof is produced with regard to such acute illness. The Tribunal taking into consideration all the facts and circumstances arrived at a just conclusion. Therefore, this Court is of the view that there are no grounds to interfere with the well reasoned order of the Family Court. Hence, this Court is of the view that this writ petition is devoid of merits.

Resultantly, the writ petition is dismissed.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

DS
CT:TSM
List No.: 1 Sl No.: 5