



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO. 29026 OF 2025 (GM-FC)

BETWEEN:

S P AGARWAL
S/O LATE ROOP KISHORE AGARWAL
AGE ABOUT 73 YEARS
RESIDING AT NO 13/8
2ND CROSS, 8TH MAIN
SHAKTHI GANAPATHINAGAR
BASAVESHWARANAGAR
BANGALORE - 560079.

...PETITIONER

(BY SRI. AMEENULLA N K., ADVOCATE)

AND:

B SHASHIPRABHA
W/O S P AGARWAL
AGE ABOUT 64 YEARS
RESIDING AT NO 213
3RD B MAIN ROAD, OMBR LAYOUT
KALYAN NAGAR, BENGALURU - 560043.

...RESPONDENT

(BY SRI. HARIPRASAD Y., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED: 02.05.2025 IN M.C.NO.6308/2017 U/S 24 OF HINDU MARRIAGE ACT PENDING BEFORE THE I ADDI. PRINCIPAL JUDGE, FAMILY COURT AT BANGALORE IN I A NO.2 OF THE ORDERS IN ANNEXURE - A AND ETC.

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



CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL ORDER

Heard Sri Ameenulla N.K., learned counsel for the petitioner as well as Sri Hariprasad Y., learned counsel for the respondent.

2. With a prayer to quash the order that is passed by the Court of I Additional Principal Judge, Family Court, Bengaluru on IA No.II in M.C.No.6308/2017 dated 02.05.2025, this writ petition is filed.

3. In the proceedings that are pending, respondent herein filed IA No.II under Section 24 of the Hindu Marriage Act, seeking a direction to the petitioner to pay her a sum of Rs.15,000/- per month towards interim maintenance apart from Rs.50,000/- towards litigation expenses. Family Court through the impugned order directed the petitioner to pay respondent a sum of Rs.10,000/- per month towards interim maintenance and Rs.10,000/- as one time litigation expenses.



4. Learned counsel for the petitioner submits that the respondent is not legally wedded wife of the petitioner. Respondent begot a son through her husband and that son suffers with mental illness. Petitioner has no relationship whatsoever either with the respondent or with her son. Petitioner is a legally wedded husband of another lady, who is no more. He begot a daughter through his wife. Without observing the fact that respondent is not the legally wedded wife of the petitioner, Family Court directed petitioner to pay respondent a sum of Rs.10,000/- per month towards interim maintenance. That apart, respondent lives in the house which is owned by the petitioner and which is worth more than two crores. Therefore, Family Court ought to have dismissed IA No.II. Learned counsel, thereby seeks to allow the writ petition.

5. The submission made by the learned counsel for the respondent, on the other hand is that, the petitioner married respondent and the said marriage is the second marriage for both. They lived together for considerable



period. As disputes arose between them, they are residing separately. Petitioner is a retired Army personnel and he gets around Rs.60,000/- per month towards pension. On the other hand, respondent has no source of earnings. Therefore, Family Court rightly directed petitioner to pay respondent a sum of Rs.10,000/- per month towards interim maintenance and therefore, this writ petition is not maintainable.

6. A meticulous perusal of the impugned order reveals presence of discussion in detail with regard to the existence of conjugal relationship between the parties. The Family Court extracted the relevant portions that are contained in Ex.P12 - certified copy of Joint Marriage Affidavit and Ex.P18, which is the certified copy of reply submitted by the petitioner to the Police Inspector, Ramamurthy Nagar Police Station. In both the documents there is a mention by the petitioner himself that he lead family life with the respondent. Therefore, this Court is of the view that Family Court rightly held that there is prima-



facie material to show that there exists conjugal relationship between the parties.

7. Now, coming to quantum, petitioner failed to submit his affidavit disclosing assets and liabilities. An observation to that effect is found in the impugned order. On a query posed by this Court, learned counsel for the petitioner states that petitioner will submit his affidavit of assets and liabilities. No reason is stated, which prevented the petitioner from submitting his affidavit of assets and liabilities before the Family Court for consideration in IA No.II. Therefore, this Court is of the view that the Family Court did not err in directing the petitioner to pay respondent a sum of Rs.10,000/- per month towards interim maintenance. Hence, this Court is of the view that there are no grounds to interfere with the findings given through the impugned order.

8. Resultantly, the following:



**NC: 2026:KHC:27472
WP No. 29026 of 2025**

ORDER

Writ petition is dismissed.

**Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE**

CM
LIST NO.: 1 SL NO.: 20