

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO.35731 OF 2025 (GM-FC)

BETWEEN:

SRI. H.S MANJUNATH
S/O LATE SURESH,
AGED ABOUT 41 YEARS,
RESIDING AT: OPPOSITE
10TH CROSS,
K.R.PURAM, HASSAN CITY,
HASSAN DISTRICT 573 201.

...PETITIONER

(BY SRI. CHETHAN B.,ADVOCATE)

AND:

SMT. BHAVANI
W/O H.S.MANJUNATH,
AGED ABOUT 31 YEARS,
RESIDING: MARADI VILLAGE,
BESIDE MARAMMA TEMPLE,
OPPOSITE GOVERNMENT SCHOOL,
KASABA HOBLI,
ARAKALAGUD TALUK,
HASSAN DISTRICT-573 201.

...RESPONDENT

(BY SRI. SANDEEPA S.H.,ADVOCATE)

THIS WP IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ORDER
DATED 04.09.2025 PASSED ON IA NO. II IN MC NO. 101/2024
PENDING BEFORE THE HONORABLE PRL. JUDGE FAMILY COURT AT
HASSAN ANNEX-A.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR
ORDERS ON 17.03.2026 AND COMING ON FOR PRONOUNCEMENT
THIS DAY, THE COURT MADE THE FOLLOWING:

Digitally signed
by
VIJAYALAKSHMI
B N
Location: HIGH
COURT OF
KARNATAKA



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

CAV ORDER

The present writ petition is filed seeking issuance of a writ of certiorari to set aside the order dated 04.09.2025 passed on I.A.No.2 in M.C.No.101/2024, which is pending before the learned Principal Judge, Family Court, Hassan (hereinafter referred to as 'the Family Court').

2. The petitioner herein-husband is the petitioner before the Family Court and the respondent herein-wife is the respondent before the Family Court.

3. The I.A.2 is filed under section 24 of the Hindu Marriage Act, 1955 by the respondent-wife against the petitioner (husband) seeking for interim maintenance and expenses of proceedings.

4. The brief facts leading to the filing of this petition are as follows:-

The marriage between the petitioner and the respondent was solemnized on 06.08.2020 at Holenarasipura Taluk as per Hindu rites and customs. It is the case of the petitioner that the respondent deserted him on 23.03.2021 and subjected him and

his mother to mental and physical cruelty. The petitioner, who is stated to be a polio-affected person and physically handicapped since birth, claims that he is maintaining his aged mother and dependent family members. He has instituted M.C.No.101/2024 seeking dissolution of marriage under Section 13(1)(i-a) and (i-b) of the Hindu Marriage Act, 1955.

5. In the said proceedings, the respondent-wife filed I.A. No.2 under Section 24 of the Hindu Marriage Act seeking interim maintenance of Rs.25,000/- per month and additional expenses. The petitioner filed objections contending, *inter alia*, that the respondent is gainfully employed in a garment factory, running a petty shop, and is financially supported by her parents owning agricultural lands.

6. Based on the pleadings and material placed on record, the Family Court framed issues and has held that no material is placed on record to substantiate the contention that the respondent has independent income. Taking into consideration that the petitioner himself has instituted matrimonial proceedings and that the respondent requires financial support to effectively contest the same, the Family

Court has awarded a sum of Rs.10,000/- per month towards interim maintenance and litigation expenses.

7. Learned counsel for the petitioner would contend that the impugned order is unsustainable as the Family Court has failed to properly consider the net income of the petitioner after deductions. It is further contended that the petitioner is a physically handicapped person having the responsibility of maintaining his aged mother and dependent sisters. It is also urged that the respondent is financially independent and has suppressed material facts regarding her previous marriage. It is further alleged that the respondent has suppressed her earlier marriage with one Sri Mahadeva of Dodahalli Village, Holenarasipura Taluk, and the fact that she had obtained divorce along with permanent alimony in the said marriage, thereby committing fraud upon the petitioner and his family.

8. *Per contra*, learned counsel for the respondent by supporting the impugned order, asserted absence of independent income and has sought maintenance to sustain herself and to effectively contest the matrimonial proceedings initiated by the petitioner.

9. Heard learned counsel appearing on either side.

10. This Court has considered the submissions made and perused the material on record.

11. The relationship between the parties and the fact that the petitioner has instituted proceedings for divorce in M.C.No.101/2024 are not in dispute. The application under Section 24 of the Hindu Marriage Act is intended to provide financial assistance to a spouse who has no independent income sufficient for her support and for meeting the expenses of litigation.

12. The Family Court, on appreciation of the material on record, has recorded a finding that the petitioner is earning a net salary of about Rs.47,799/- per month. The contention regarding loan liabilities has been considered and not accepted in the absence of proof that such liabilities are towards basic or unavoidable necessities. The said finding is based on factual appreciation.

13. Insofar as the contention of the petitioner that the respondent is financially independent is concerned, the Family

Court has specifically observed that no material has been produced to substantiate the same.

14. It is well settled that while exercising jurisdiction under Article 227 of the Constitution of India, this Court does not act as an appellate Court to re-appreciate evidence or to substitute its own view, unless the order suffers from patent illegality or perversity.

15. In the case on hand, no such illegality or perversity is demonstrated. It is also not in dispute that the petitioner himself has initiated matrimonial proceedings seeking dissolution of marriage. In such circumstances, the respondent-wife is required to be placed in a position to effectively contest the proceedings. The grant of interim maintenance under Section 24 of the Hindu Marriage Act, 1955 subserves this object.

16. It is further observed that the impugned order pertains only to grant of interim maintenance under Section 24 of the Hindu Marriage Act, 1955 which is temporary in nature and operates only during the pendency of the main proceedings. The said determination does not finally adjudicate

the rights and liabilities of the parties and is subject to the outcome of the main petition. Therefore, all contentions regarding entitlement or quantum are left open to be considered by the Family Court at the time of final disposal.

17. Having regard to the income of the petitioner, the quantum of Rs.10,000/- per month awarded by the Family Court cannot be said to be excessive or arbitrary. The discretion exercised by the Family Court is judicious and does not warrant interference.

18. In view of the foregoing reasons, this Court finds no grounds to interfere with the order dated 04.09.2025 passed by the learned Family Court, in exercise of jurisdiction under Article 227 of the Constitution of India.

Accordingly, the writ petition is ***dismissed.***

No order as to costs.

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

bnv