

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.37271 OF 2025 (GM-FC)

BETWEEN:

DIPAK THAKUR
(AGE 57 YEARS)
152, 2ND FLOOR, DEFENCE ENCLAVE,
GEDLAHALLI,
BANGALORE 560 077.,

...PETITIONER

(BY SRI.DEEPAK THAKUR, PARTY-IN-PERSON/PETITIONER)

AND:

SUNITA THAKUR
(53 YEARS),
152, 1ST FLOOR,
DEFENCE ENCLAVE,
GEDLAHALLI,
BANGALORE 560 077.

...RESPONDENT

(BY SRI. RASHEED KHAN.,ADVOCATE)

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by
VIJAYAKSHMI
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Location: HIGH
COURT OF
KARNATAKA

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO WHEREFORE, IN THE NOW CHANGED CIRCUMSTANCES OF NO JOB, NO INCOME PRAYING FOR MUTATIS MUTANDIS PARTIAL RELIEF BY MODIFYING THE IA 14 ORDER DATED 11 NOVEMBER 2025 OF THE HON'BLE IV ADDL PRI JUDGE, FAMILY COURT BANGALORE, TO AT LEAST REDUCE THE MONTHLY INTERIM MAINTENANCE FROM RS 20,000 CASH TO ABOUT RS 7000, AND DIRECTING HER TO SHIFT TO A 2 ROOM RESIDENCE FOR HER SINGLE SELF, COSTING AROUND RS 10,000 INSTEAD OF AN UNNECESSARY HUGE 5 ROOMS KITCHEN 2,400 SQ FEET HOUSE COSTING RS 45,000.AND NUDGE THE RESPONDENT TO ACCEPT EMPLOYMENT TO AT LEAST MAINTAIN HERSELF SO AS

NOT TO WASTE HER HIGH POST-GRADUATE EDUCATION TO REMAIN IDLE.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 18.03.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

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

CAV ORDER

This petition is filed by the petitioner – husband being aggrieved by the order on I.A.No.14 dated 11.11.2025 passed in M.C.No.5860/2021 by the IV Additional Principal Judge, Family Court, Bengaluru, (hereinafter referred to as 'Family Court') whereby, the Family Court has rejected the application filed by the petitioner.

2. The brief facts of the case are as follows:

The petitioner and the respondent are legally wedded wife and husband. Their marriage was solemnized on 18.05.2003. The petitioner – husband has filed M.C.No.5860/2021 under Section 13(1)(i-a) of the Hindu Marriage Act, 1955 seeking dissolution of marriage making allegations against the respondent. During the pendency

of the proceedings, respondent filed I.A.No.13 under Section 151 of CPC to stay the proceedings for non payment of arrears of maintenance of Rs.2,95,000/- and I.A.No.15 under Section 24 of the Hindu Marriage Act to implement the order of this Court dated 22.08.2025. The petitioner (party-in-person) filed I.A.No.14 under Section 151 of CPC read with Section 24 of the Hindu Marriage Act to cancel or proportionately reduce the interim maintenance. The petitioner (party-in-person) has objected I.A.Nos.13 & 15 by filing objections.

3. By order dated 11.11.2025, the Family Court has rejected all the three applications filed by petitioner and the respondent. Being aggrieved by the rejection of the application, the petitioner (party-in-person) has filed the present writ petition seeking reduction of the monthly interim maintenance as ordered by the Family Court.

4. Learned counsel for the petitioner contends that the Family Court has erred in rejecting the application – I.A.No.14 filed by the petitioner. He further contends that

the respondent has been dragging him to multiple Courts and then adjourning all the dates in order to block him from attending his work. He submits that his employment on 30.09.2025 got terminated. The expenses of his son increased from Rs.50,000/- to Rs.1,50,000/- per month due to admission in engineering college. In addition to that, he is paying Rs.45,000/- per month towards the cost of 3 BHK, which is occupied by the respondent. Hence, petitioner filed I.A.No.14, which is rejected by the Family Court. Therefore, he prays for allowing the petition and reduce monthly interim maintenance.

5. *Per contra*, respondent has objection I.A.No.14 contending that petitioner made attempts to succeed in reducing the maintenance amount from Rs.30,000/- to Rs.20,000/- per month. The petitioner has not produced any relevant documents pertaining to the domestic enquiry and reasons for removal of him from the assigned job. The petitioner has nowhere stated the reasons for his removal from the job and in order to substantiate the fact

of not working, he has not produced any documentary evidence. Hence, prays for dismissal of the petition.

6. Heard the learned counsel appearing for both the parties and perused the material on record.

7. The Family Court has recorded the finding at paragraph Nos.15 to 18 as under:-

"15. Apart from that, the petitioner has filed IA.No.14 to cancel or proportionately reduce the interim maintenance as he got terminated from his employment due to the respondent has been dragging him to multiple courts and then adjourning all dates in each court to block him from attending to his work. The respondent has objected the IA.No.14 and stated that the petitioner has not produced any relevant document/ evidence in order to substantiate the fact of termination of service and reasons for removal from the assigned job.

16. On careful perusal of the records, it appears that he has stated that he got terminated from his job and thereby, he prayed to cancel or proportionately reduce the interim maintenance as the respondent has been dragging him to multiple courts and then adjourning all the dates in each court blocking him from attending to his work. In this regard the petitioner has produced the online copy of E-mail received by him from Deloitte Shared Services India LLP dated 30.09.2025, wherein the firm has decided to terminate his employment with effect from 01.10.2025. But the reason for termination is not assigned.

17. At this juncture, it is relevant to rely upon the decision reported in 2021 (2) SCC 324, Rajneshv/s Neha and another, wherein it is clearly held as follows:

"The obligation of the husband to provide maintenance stands on a higher pedestal than the wife. "An able bodied husband must be presume to be capable

of earning sufficient money to maintain his wife and children and cannot contend that he is not in a position to earn sufficiently to maintain the family. onus is on the husband to establish with necessary material that there are sufficient grounds to show that he is unable to maintain the family and discharge his legal obligations for reasons beyond his control. If the husband does not disclose the exact amount of his income, an adverse inference may be drawn by the court." The

"Remedy of maintenance is a measure of social justice as envisaged under the Constitution to prevent wives and children from falling into destitution and vagrancy."

"The plea of the husband that he does not possess any source of income ipso facto not absolve him of his moral duty to maintain his wife, if he is able-bodied and has educational qualification".

18. Keeping in mind the above principles and applying the same to this case, it can be held that the petitioner being a well qualified person and having every potential to get another job, cannot be allowed to escape from his responsibility to maintain his family. It is the on the ground of termination of service. moral duty of the petitioner to maintain his wife as he is able-bodied educational person and has qualification and he cannot be allowed to escape from maintaining his wife and children. The obligation of the husband to provide maintenance stands on a higher pedestal than the wife. Hence, I am of the opinion that the IA.No.14 filed by the petitioner under Section 151 of CPC read with Section 24 of the Hindu Marriage Act to cancel or to proportionately reduce the interim maintenance deserves to be rejected. Accordingly, I answered point No.2 in the Negative."

8. The Family Court has also observed at paragraph

No.21 as under:-

"21. It is relevant to note here that, in this case, both parties are mainly concentrating on interim maintenance and not concentrating on the main petition. Frequent filing of interlocutory applications related to interim maintenance is causing delay in disposal of the

main petition. This is the reason for non disposal of the main petition within the prescribed period."

9. In view of the foregoing discussion, this Court is of the considered opinion that the impugned order dated 11.11.2025 passed by the IV Additional Principal Judge, Family Court, Bengaluru rejecting I.A.No.14 under Section 151 of CPC read with Section 24 of the Hindu Marriage Act, 1955 does not suffer from any illegality, perversity warranting interference.

10. In the result, this Court proceeds to pass the following:-

ORDER

(i) The writ petition is ***dismissed***.

(ii) The order on I.A.No.14 dated 11.11.2025 passed in M.C.No.5860/2021 by the IV Additional Principal Judge, Family Court, Bengaluru, is hereby confirmed.

No order as to costs.

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

MH/-