IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO.38125 OF 2025 (GM-FC)

BETWEEN:

SRI. GIRISH KAMATH
S/O RAMESH KAMATH,
AGED ABOUT 50 YEARS,
RESIDING AT:NO.3-34(2),
ULIARGOLI, MAIN ROAD, KAUP,
UDUPI DISTRICT – 574 106.

…PETITIONER

(BY SRI. GOKUL M.G.,ADVOCATE)

AND:

SMT. DIVYA
D/O K. SURENDRA NAYAK,
W/O GIRISH KAMATH,
AGED ABOUT 40 YEARS,
RESIDING AT: NO.8, 7TH CROSS,
DEVEGOWDA ROAD, MOTHI NAGAR,
R.T. NAGAR,
BANGALORE - 560 032.

…RESPONDENT

(BY SRI. BIMBADHARA.,ADVOCATE)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION, QUASHING THE IMPUGNED ORDER DATED 25.03.2023 PASSED ON INTERLOCUTORY APPLICATION NO.2 FILED UNDER SECTION 24 OF THE HINDU MARRIAGE ACT, 1955, IN M.C. NO.886/2022 BY THE HON'BLE 5TH ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT AT BENGALURU (ANNEXURE-A).

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 06.03.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

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

CAV ORDER

Being aggrieved by the order passed by the V Additional Principal Judge, Family Court, Bengaluru on I.A.No.2 in M.C.No.886/2022 dated 25.03.2023, thereby seeking the Court to quash the said order, present writ petition is filed.

2. For the sake of convenience, parties to the proceedings will hereinafter be referred to as husband and wife. Their status is not in dispute.

3. Wife filed a petition under Section 24 of the Hindu Marriage Act seeking interim maintenance and the Court through the impugned order directed the husband to pay the wife a sum of Rs.15,000/- per month towards interim maintenance as well as education of the child.

4. This Court has granted an interim order dated 17.12.2025. The husband has complied the said interim order only by way of paying regular maintenance of Rs.5,000/- per month and not arrears of maintenance. Moreover, three months time will be granted for payment of arrears of maintenance i.e., till 17.03.2026, but this Court has taken up the matter for 'Final Hearing' on 06.03.2026. Hence, there is no proof of payment of arrears of maintenance to the wife and the husband has not complied the interim order with regard to the payment of arrears of maintenance. The husband is directed to clear all the arrears within a period of four weeks.

5. Heard learned counsel appearing for both the parties.

6. The submission of learned counsel, who represents the husband is that, the husband has no financial capacity to pay such huge amount to his wife. He further submits that the wife obtained the impugned order suppressing the existence of two bank accounts and her true financial assets and she has failed to comply with the

mandatory procedural framework laid down by the Hon'ble Apex Court in the case of ***Rajnesh vs. Neha*** reported in ***(2021) 2 SCC 324*** by not filing the affidavit of assets and liabilities. He submits that the trial Court has failed to consider the proper assessment of the wife's income, assets, liabilities and documentary record and rendered perverse conclusion. He further submits that the wife has remarried during the pendency of M.C.No.886/2022 and hence, is not entitled for maintenance. Learned counsel also submitted that as the wife has got her own sources of earnings, husband is not liable to pay any sum towards maintenance. Hence, prays for allowing the writ petition and set aside the impugned order of the trial Court.

7. *Per contra*, the submission made by learned counsel, who represents the wife is that husband and his father jointly doing furniture manufacturing as trading by name and style Sri.Kamakshi Traders and in the residential locality they had two oil mills and also doing coconut oil business and earning no less than Rs.75,000/-. The husband has failed to pay educational and medical

expenses of the child and hence, husband is liable to pay her maintenance to her as well as her child. Hence, prays for dismissal of the writ petition.

8. The trial Court while partly allowing the application has observed that the wife is paying the school fees by borrowing loan from the relatives and well wishers. The husband in his affidavit has stated that he has studied PUC and his monthly income is Rs.15,000/- and his expenditure is Rs.13,500/-. But the wife has contended that her husband is doing furniture business as well as owns two oil mills and earning a sum of Rs.75,000/- per month. In support of her contention, she has produced documents regarding permission from the Corporation to run the industry and receipt regarding school fee and other expenses of the child and she has also filed affidavit regarding assets and liabilities, which discloses that she is residing in rented house and she has shown her monthly expenses as Rs.30,000/-. The document discloses that the husband is having business and is liable to pay the maintenance to the wife and child. Hence, in the interest

of justice, it has awarded a sum of Rs.15,000/- per month to the wife for maintenance as well as education of the child from the date of petition i.e., 09.02.2022 to till disposal of the petition.

9. Having considered the facts and circumstances of the case, this Court does not find any infirmity in the impugned order passed and grounds for interference. The maintenance awarded through the impugned order is just and proper as an interim measure. Therefore, this Court is of the view that there are no merits in this writ petition. Accordingly, the following:

ORDER

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

ii) Monthly maintenance towards educational expenses of the child which the petitioner/husband is ordered to pay by the Court of V Additional Principal Judge Family Court, Bengaluru, through Orders on I.A.No.2 in M.C.No.886/2022 dated 25.03.2026 is hereby confirmed.

iii) Thus, the petitioner/husband shall pay the respondent/wife a sum of Rs.15,000/- per month with effect from 09.02.2022 till the disposal of M.C.No.886/2022.

v) Petitioner/husband shall clear all arrears within a period of four weeks.

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

MH/-