

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO.38426 OF 2025 (GM-FC)

BETWEEN:

MR.AMIT KAREKAR
S/O LATE.PRABHAKAR KAREKAR,
AGED ABOUT 42 YEARS,
OCC. SERVICE, R/A NO.577,
15TH MAIN, 10TH CROSS,
PADMANABHANAGAR
BENGALURU-560 070.

...PETITIONER

(BY SRI. PRAVEEN KUMAR HIREMATH.,ADVOCATE)

AND:

Digitally signed
by
VIJAYALAKSHMI
B N

Location: HIGH
COURT OF
KARNATAKA

SMT.VAISHALI
D/O VIJAYKUMAR NAVAGHARE,
AGED ABOUT 34 YEARS,
R/A NO.APT. NO.320,
JSR THE BANYAN APTS,
J.P. NAGAR 9TH PAHSE,
BENGALURU-560 062.

...RESPONDENT

(BY SRI. C.S. PRAKASH.,ADVOCATE)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTION AND CALL FOR ENTIRE RECORDS IN M.C.NO. 418/2018 PENDING ON THE I ADDITIONAL PRINCIPAL FAMILY COURT AT BENGALURU (ANNX-B).DIRECTION AND SET ASIDE THE ORDER ON I.A.NO. 3 DTD. 15.04.2025 PASSED BY I ADDITIONAL PRINCIPAL FAMILY COURT AT BENGALURU IN M.C.NO. 418/2018 (ANNX-A) AND ETC.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 27.03.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

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

CAV ORDER

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India, seeking to set aside the order dated 15.04.2025 passed by the I Additional Principal Judge, Family Court, Bengaluru, on I.A.No.3 in M.C.No.418/2018. By the impugned order, the Family Court partly allowed the application filed by the respondent-wife under Section 24 of the Hindu Marriage Act, 1955, directing the petitioner to pay monthly interim maintenance of Rs.10,000/- and a one-time litigation expense of Rs.10,000/-.

2. The parties appear in the same capacity as Petitioner/Husband and Respondent/Wife as they do before the Family Court.

3. The facts briefly stated are that the parties were married on 26.12.2013. Following marital discord,

the petitioner-husband filed a matrimonial case for dissolution of marriage. During the pendency of the proceedings, the respondent-wife filed I.A.No.3 seeking interim maintenance of Rs.40,000/- per month, asserting that she is a housewife with no independent source of income and is currently searching for a job.

4. The petitioner-husband resisted the application, contending that the respondent is a qualified BAMS doctor who has previously served as a Senior Medical Officer and is thus capable of maintaining herself. He further pleaded his own financial liabilities, including his responsibility to maintain his aged parents and his recent medical expenses following a surgery.

5. Upon hearing both sides, the Family Court observed that the petitioner is an MBA graduate working as a Team Leader with a monthly income of approximately Rs.61,000/-. While acknowledging the respondent's medical qualifications, the court noted she is currently searching for employment and has no stable income.

Consequently, the court awarded a "supportive maintenance" of Rs.10,000/- per month.

6. The learned counsel for the petitioner has primarily challenged the order on the grounds of factual contradiction, pointing out that the Family Court in its reasoning recorded that the respondent "earns more than the petitioner," yet proceeded to grant maintenance. It is urged that such an order is unsustainable in law.

7. Having carefully considered the submissions and perused the records. The scope of Article 227 is a supervisory jurisdiction and not an appellate one. This Court will only interfere if the order of the subordinate court is demonstrably perverse or without jurisdiction.

8. While the petitioner has pointed out that paragraph 16 of the order mentions the respondent as earning more than the petitioner, this specific observation appears to have been wrongly considered in isolation. A reading of the entire order, specifically paragraphs 12 and 13, confirms that the Family court was fully aware of the

respondent's actual status as a professional currently without employment and searching for work. Such an inconsistency in the recording of observations does not vitiate the final conclusion when it is otherwise supported by the substantive material on record regarding the parties' current financial positions.

9. As per the principles laid down in ***Rajnish v. Neha, (2021) 2 SCC 324***, the mere "capability to earn" is not a ground to deny maintenance to a spouse who is not actually earning. The purpose of Section 24 is to provide "succor pendente lite" to ensure a standard of living consistent with the matrimonial home. In this case, the awarded sum of Rs.10,000/- represents approximately 16% of the petitioner's declared income and is a reasonable amount for sustenance in a city like Bengaluru.

10. The Family Court has balanced the equities by reducing the maintenance from the Rs.40,000/- claimed to a modest Rs.10,000/-. Finding no patent illegality or

jurisdictional error that warrants interference, the petition is liable to be dismissed.

ORDER

(i) The Writ Petition No. 38426 of 2025 is ***DISMISSED.***

(ii) The order passed by the I Additional Principal Judge, Family Court, Bengaluru, on I.A.No.3 in M.C.No.418/2018 dated 15.04.2025 is ***UPHELD.***

(iii) The petitioner is directed to clear all arrears of maintenance within eight weeks from today and ensure regular monthly payments to the respondent as ordered by the Family court.

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