



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO. 5911 OF 2026 (GM-FC)

C/W

WRIT PETITION NO. 39816 OF 2025 (GM-FC)

IN WP No. 5911/2026

BETWEEN:

SRI. H. UMASHANKAR
AGED ABOUT 50 YEARS,
S/O. SRI. HULLURIAIAH,
R/A. NO. 8, 80 FEET ROAD,
CHANDRA LAYOUT,
BANGALORE - 560 040.

...PETITIONER

Digitally signed
by AASEEFA
PARVEEN
Location: HIGH
COURT OF
KARNATAKA

(BY SRI. PRATHYUSHA M. SHANUBOG, ADVOCATE)

AND:

SMT. MANJULA B.R.,
AGED ABOUT 45 YEARS,
D/O. RUDRAMADAIAH,
NO. 10, 'G' STREET, 1ST MAIN ROAD,
NEW GUDDADAHALLI,
BANGALORE - 560 026.

...RESPONDENT

(BY SRI. MUNI REDDY M.N, ADVOCATE)



NC: 2026:KHC:25661
WP No. 5911 of 2026
C/W WP No. 39816 of 2025

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 06/11/2025 PASSED ON IA NOS. 19 IN MC NO. 5052/2014 BY THE LEARNED II ADDL. FAMILY JUDGE, BENGALURU ANNEX-E AND TO GRANT INTERIM STAY OF THE OPERATION OF THE SAID ORDER AND ETC.,

IN WP NO. 39816/2025

BETWEEN:

SMT. MANJULA
D/O SRI. RURAMADAIHA
W/O SRI. UMASHANKAR
AGED ABOUT 37 YEARS
R/AT NO. 10, "G" STREET
1ST MAIN ROAD, NEW GUDDADAHALLI
BANGALORE - 560 026.

...PETITIONER

(BY SRI. MUNI REDDY M.N, ADVOCATE)

AND:

SRI. H. UMASHANKAR
S/O SRI. HULLURAIHA
AGED ABOUT 42 YEARS
R/AT NO. 8, 80 FEET ROAD
CHANDRA LAYOUT
BANGALORE - 560 040.

...RESPONDENT

(BY MISS. PRATHYUSHA M. SHANUBOG, ADVOCATE)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 06.11.20 PASSED ON IA NO. 19 IN M.C. NO. 5052/2014 ON THE FILE OF COURT OF IIND ADDITIONAL PRL. JUDGE, BANGALORE IN SO FAR AS NOT GRANTING THE MAINTENANCE TO BOTH PETITIONER AND THE CHILD,



AS PER ANNEXURE - A AND ETC.,

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

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL ORDER

Heard Sri. Prathyusha.M Shanubog learned counsel
for the petitioner in writ petition No.5911/2026 who is also
representing the respondent in the connected matter. Also
heard Sri.Muni Reddy M.N learned counsel for the
respondent in writ petition No.5911/2026 who is also
representing the petitioner in writ petition No.39816/2025.

2. These two writ petitions are the outcome of the
order that is rendered by the Court of II Additional
Principal Judge, Family Court, Bangalore on I.A No.19 in
M.C. No.5052/2014 dated 06.11.2025.

3. For the sake of convenience of discussion, parties
to both the writ petitions will hereinafter be referred to as
wife and husband.



4. Husband filed M.C.No.5052/2014 against the wife seeking a decree of divorce. In the said case, wife filed I.A No.19 invoking Section 24 of the Hindu Marriage Act and thereby seeking a direction to the husband to pay her a sum of Rs.75,000/- towards maintenance and Rs.50,000/- towards litigation expenses.

5. The version of the wife is that her marriage with the respondent was solemnized in the year 2010 and the lawful wedlock resulted in birth of a male child by name Vikas Gowda. Her husband is an advocate by the profession and maintains his own office at Chandra layout. He also works with real estate agents and he himself formed a residential layout by developing his own land. He thereby earns Rs.5,00,000/- per month through his profession and business. In addition to that he gets rental income around Rs.1,50,000/- per month. He is the absolute owner of 69 acres 2 guntas of land. Further he owns an Innova car. He failed to pay any amount towards her maintenance and the maintenance of her son. She



filed I.A No.7 seeking maintenance and I.A No.11 for the educational expenses of her son. I.A No.7 stood dismissed on the ground that she is working in the NTT Data Global Delivery Services Private Limited. I.A No.11 was allowed in part and a direction was given to her husband to meet the educational expenses of her son. She challenged the orders passed on I.A 7 and I.A 11 before this Court. But due to change of circumstances she withdrew both the writ petitions. Due to her son's education she resigned the job and her resignation was accepted. She has to spend huge amount for the educational expenses of her son and to maintain him. Therefore, her husband is required to pay a sum of Rs.75,000/- per month towards her maintenance as well as maintenance of her son and Rs.50,000/- towards litigation expenses.

6. Husband filed statement of objections contending that the petition filed by his wife is hit by the principles of *res-judicata*. He also contended that his wife deserted him and in spite of making best efforts, she has not chosen for



reconciliation. Though he is an advocate by profession he is struggling to stabilize his source of earnings. Except meager earnings from the profession he has no other source of income. That apart, the land stands in the name of his father and he bequeathed the same in favour of his daughters during his lifetime and thereby he has no right or title over the same. Further he is meeting the educational expenses of his son promptly. His wife is an MBA graduate, is working in a multinational company and her work experience is more than 18 years. The Court summoned the salary certificate of his wife from her employer and the said salary certificate reveal that she was drawing more than Rs.70,000/- per month during 2018-2019. As of now she may be drawing around Rs.1,50,000/- per month. Her contention that she resigned from the job is false.

7. Writ Petition No.39816/2025 is filed by the wife seeking enhancement, writ petition No.5911/2026 is filed



by the husband seeking the Court to quash the impugned order.

8. Learned counsel who represents the husband submits that wife is harassing her client by filing interlocutory applications one after the other. Learned counsel contends that her client does not possess any immovable property and indeed the said property is bequeathed by the father of her client in favour of his daughters. Learned counsel also states that he is not in any real estate business and that he has no source of earnings at all as of now. He is not practicing as an advocate also. Learned counsel thereby seeks to quash the impugned order.

9. *Per contra*, learned counsel who represents the wife contends that wife has no source of earnings. Only to look after the child she resigned the job. On the other hand, husband is in possession of around 69 acres of land. A portion of the land was converted into residential plots



and they are being sold. The amount granted towards maintenance is too meager and therefore there is every requirement for enhancement. Learned counsel also contends that he filed sufficient proof to show that agricultural land stands solely in the name of the husband.

10. There is no denial of the fact that a portion of total extent of land as mentioned by the wife in the affidavit given by her in support of the petition stands solely in the name of her husband. Also there is no denial of the fact that the husband holds and maintains an Innova car bearing registration No.KA-02-MJ-1997. Though learned counsel who represents the husband contends that her client is not practising as advocate at present, no proof is produced that his license is kept under suspension by the Bar Counsel. Likewise though the wife contends that she resigned from the job, she has not produced any documents to that effect. Neither the resignation letter nor the relieving order were produced. Husband specifically denied the contention that she



resigned the job in the statement of objections filed by him. Therefore, there is every necessity on the part of the wife to produce proof to show that she resigned the job. But she did not do so.

11. The fact that the wife was earning around Rs.70,000/- per month during 2018-2019 is not in dispute. When she failed to produce any proof to show that she resigned from the job, it has to be held that she continues to earn such amount. However, taking into consideration the financial status of the husband, it has to be held that his earnings are definitely greater than that of his wife. Further wife is under obligation to look after their child, take care of his food, extra nourishment, shelter, education, transportation and extra curricular activities. Such taking care requires lot of physical and mental stress and activity. Thus meeting the educational expenses of the child by the husband alone is not sufficient. When wife is taking care of the welfare of his child apart from attending her duties to eke out her livelihood, it is the obligation of



the husband to meet the expenses required for the education and other needs of the child and also to see that his wife lives comfortably so as to dedicate sufficient time for the nourishment of the child. Hence, this Court is of the view that Family Court did not err in directing the husband to pay a sum of Rs.10,000/- each to the wife and the child towards interim monthly maintenance.

12. Thus, the impugned order can neither be quashed nor modified. Resultantly following:-

ORDER

Both the writ petitions are dismissed.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

VS
List No.: 1 Sl No.: 18