HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF APRIL, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

WRIT PETITION NO. 10721 OF 2023 (GM-FC)

C/W

CIVIL PETITION NO. 172 OF 2023

IN WP No. 10721/2023:

BETWEEN:

SRI K PUNEETH @ SIDDERAJE URS
S/O SRI H M KANTHA RAJE URS
AGED ABOUT 34 YEARS
NO.3, GROUND FLOOR
SAI ENCLAVE
4TH CROSS, NAVODAYANAGAR
J P NAGAR, 7TH PHASE
BENGLAURU-560 078.

...PETITIONER

(BY SRI. N. RAVINDRANATH KAMATH, SENIOR COUNSEL FOR
SRI. PURUSHOTHAM V. AND SMT. VANAJAKSHI, ADVOCATES)

Digitally signed by PADMASHREE SHEKHAR DESAI
Location: High Court of Karnataka

AND:

SMT M N VIDYA URS @ KEMPAMMANNI
W/O SRI K PUNEETH
D/O SRI NANGARAJE URS(GOPIKRISHNA)
AGED ABOUT 29 YEARS
R/O MALLINATHAPURA
B G PURA HOBLI
MALAVALLI TALUK
MANDYA DISTRICT-571 103.

...RESPONDENT

(BY SRI. TRIVIKRAM., ADVOCATE FOR

C/RESPONDENT IN CP.NO.3191/2023)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO-ISSUE A WRIT OF CERTIORARI OR ANY PROPER WRIT OR ORDER TO QUASH THE ORDER OF THE HONBLE IV ADDL. PRINCIPAL JUDGE FAMILY COURT, BANGALORE ON I.A.NO.6 OF M.C.NO. 2463/2019 DTD 07/02/2023 VIDE ANNEXURE-A AND ETC.

IN CP NO. 172/2023

BETWEEN:

SMT M N VIDYA URS @ KEMPAMMANNI
W/O SRI. K. PUNEETH
D/O SRI NANJARAJE URS,
AGED ABOUT 30 YEARS,
R/AT NO MALLINATHAPURA,
B.G. PURA HOBLI, MALAVALLI TALUK,
MANDYA – 571 463.

...PETITIONER

(BY SRI. TRIVIKRAM S., ADVOCATE)

AND:

SRI K PUNEETH @ SIDDERAJE URS
S/O SRI. H. M. KANTHA RAJE URS,
AGED ABOUT 34 YEARS,
R/AT NO.10, 3RD MAIN ROAD, 'C' CROSS,
SANJEEVINI NAGAR,
MOODALPALYA, VIJAYANAGAR,
BENGALURU – 560 040.

ALSO AT:
NO.14/7, 1ST 'A' CROSS,
NEAR RAGIGUDDA TEMPLE,
3RD PHASE, JP NAGAR,
BENGALURU – 560 078

...RESPONDENT

(BY SRI. N. RAVINDRANATH KAMATH, SENIOR COUNSEL FOR SMT. VANAJAKSHI., ADVOCATE)

THIS CP IS FILED UNDER SECTION 24 OF CPC, 1908, PRAYING THAT THIS HONBLE COURT IS RESPECTFULLY PRAYED TO BE PLEASED TO WITHDRAW THE CASE REGISTERED IN MC. NO. 2463/2019 PENDING ON THE FILE OF THE LEARNED IV ADDITIONAL PRL. JUDGE, FAMILY COURT BENGALURU AND TRANSFER THE SAME TO BE TRIED AND DISPOSE BEFORE THE SENIOR CIVIL JUDGE AND JMFC, AT MALAVALLI, IN ACCORDANCE WITH LAW, IN THE INTEREST OF JUSTICE AND EQUITY.

THESE PETITIONS HAVING BEEN HEARD AND RESERVED ON 10.04.2026 COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, ***P SREE SUDHA J.,*** DELIVERED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA

CAV JUDGMENT

W.P. No.10721 of 2023 is filed by K Puneeth/husband, the petitioner in M.C. No.2463 of 2019 pending on the file of IV Additional Principal Judge, Family Court, Bengaluru. He has stated that he has filed the said proceeding for annulment of

the marriage dated 01.11.2019 and the copy of the same is produced under Annexure-B to the writ petition. A copy of the objection filed by the respondent-wife is filed under Annexure-C. It is stated that the respondent-wife filed an application under I.A. No.6 claiming interim maintenance and the petitioner filed objections to the said I.A. The Family Court by order dated 07.02.2023 allowed I.A.No.6 in part and granted interim maintenance of Rs.6,000/- per month and litigation expenses of Rs.10,000/-.

2. The petitioner-husband has stated that the trial Court has not considered the job of the respondent-wife, she is well qualified and earning good salary. He has filed an extract from the facebook profile produced under Annexure-F to show that she is presently working in a private company and she is an MBA graduate in Finance. The Trial Court ought to have dismissed I.A. No. 6 instead of allowing the same and it is has committed grave error. The petitioner has further stated that respondent is not interested to speak to him. She left the matrimonial home stayed with her parents and never returned. From the day of marriage, she was not interested to live in

their house and not interested in the marital life and she is incapable of performing any marital obligations. The petitioner has stated that there is a question about physical and incurable medical ailment of the respondent-wife. Due to the fraud played by the respondent and her family members, the belief in the institution of marriage got erased. The respondent-wife is suffering from schizophrenia and ill health, prior to the marriage and it is not curable. Respondent never claimed to have sexual relationship with him and her family cheated him. She was not co-operating with him for several days and was scolding him with abusive language, behaving abnormally, and she was passing false information to the individuals. When they were fighting with each other, she was enjoying the same. The petitioner submitted that he is unable to pay maintenance to respondent-wife. Therefore, requested to quash the impugned order passed by the trial Court dated 07.02.2023.

3. Learned counsel for respondent has filed a memo of calculation regarding the arrears of income and maintenance to be paid by petitioner-husband and it is stated that the petitioner paid only Rs.25,000/- and the balance to be payable

is Rs.3,57,000/-. The coordinate Bench of this Court in the connected petition in C.P. No.172 of 2023, on I.A. No.2/2023 dated 18.04.2023 has clearly held that the order of stay of further proceedings shall not come in the way of respondent-husband making payment of maintenance and litigation expenses and also the petitioner-wife initiating proceedings for recovery of the same.

4. C.P. No. 172 of 2023 is filed by wife for transfer of the M.C. No.2463 of 2019 filed by husband for annulment of the marriage, from the Court of IV Additional Principal Judge, Family Court, Bengaluru to the Court of Senior Civil Jude and JMFC, Malavalli. It is stated that the petitioner-wife is residing with her parents who are the farmers by occupation. She filed objections in annulment proceedings and also filed an application for interim maintenance and the Tribunal granted Rs.6,000/- per month towards maintenance and Rs.10,000/- towards litigation expenses. But due to financial constraints and inability to travel such a long distance, she has requested for transfer of the said proceedings.

5. When the matters were taken up initially, learned counsel for the petitioner-husband in the writ petition, requested this Court for settlement between the parties as they have already agreed for return of marriage expenses of Rs.4,00,000/-, but the settlement did not workout. Therefore, heard the arguments of both sides.

6. W.P. No.10721 of 2023 is filed by the petitioner-husband for quashing of the order dated 07.02.2023 whereby the trial Court directed the husband to pay interim maintenance of Rs.6,000/- per month and litigation expenses of Rs.10,000/-. The main contention of the husband is that the respondent-wife is well qualified, working and earning. In fact, he lost his employment and he was terminated and he has no source of income. He filed an extract from facebook to show that she is working as Account Assistant at Skilltech Engineers and Contractors Ltd. and she joined the said company in May, 2014. But, the perusal of the said extract shows that she studied MBA and it was mentioned that she was a former Account Assistant. Therefore, it is for him to prove that still she is working and her earnings are also not established. It is

brought to the notice of the court that petitioner/husband is working as a Senior Administrator in Flipcart Company and earning the salary of Rs.50,000/- per month. He is also dealing with money lending business and getting rent from the property and thus, getting Rs.1,50,000/- per month, whereas the respondent-wife is unemployed and has no source of income. The petitioner stated that he was employed with VTV Infrastructure Management Pvt. Ltd. as an Executive Transport. But he was given pink slip and removed from service with effect from 30.04.2021 as cost cutting tactics of the employees during Corona lockdown. Now he is jobless, penniless, living with his parents and does not possess any movable and immovable property and he is not receiving any rent. He is not doing any money lending business.

7. It is further stated by the petitioner-husband that respondent-wife and her family without their consent and knowledge raised a loan of Rs.6,00,000/- with his brother-in-law and cheated him and he also filed the copy of the judgment of Civil Court passed in O.S. No.45 of 2020, in which, the decree was granted on 13.10.2025 in favour of brother in law.

As against the said decree, respondent-wife preferred RFA in the year 2026. The copy of the appeal grounds dated 01.02.2006 is filed, but the number of the RFA is not reflected in it. The petitioner-husband mainly contended that his wife is suffering from schizophrenia and is incapable of performing the marriage obligations. As such, he initiated proceedings for annulment of the marriage. But it was denied by his wife and she stated that her parents spent huge amount to perform their marriage and he filed this suit making allegations against her. Contention of petitioner-husband that he is nto working and earning from 2021 onwards is not believable. Therefore, the Family Court considering all the aspects, rightly granted interim maintenance of Rs.6,000/- per month and also Rs.10,000/- towards litigation expenses to the respondent-wife way back in the year 2023. So far, the husband has deposited only Rs.25,000/- and not paid any arrears of amount and also approached this Court to quash the said order. Therefore, Court finds no illegality in the order of the Family Court.

8. C.P. No.172 of 2023 is filed by wife in M.C. No.2463 of 2019 for transfer of the said proceeding pending on the file of IV Additional Principal Judge, Family Court, Bengaluru to the Senior Civil Judge and JMFC, Malavalli. The distance between Bangalore and Malavalli approximately 108 kilometres. The respondent-husband stated that he was given pink slip in the year 2021 and he is depending on his parents and not working and earning. He also stated that petitioner-wife is an MBA graduate and she is working and earning. But, both of them have not filed any document to show that other person is working and earning sufficiently to meet the expenses of litigation. The petitioner-wife stated that she is residing with her parents, who are farmers by occupation. They spent huge amount for performing her marriage. Therefore, this Court finds it just and reasonable to transfer M.C. No.2463 o 2019 filed by husband for annulment of marriage, pending before IV Additional Principal Judge, Family Court, Bangalore, to the Senior Civil Judge and J.M.F.C., Malavalli.

9. In the result, the following order is passed:

Writ Petition No.10721 of 2023 filed by the husband is ***dismissed*** as devoid of merits confirming the order dated 07.02.2023 passed in M.C. No.2463 of 2019 pending on the file of IV Additional Principal Judge, Family Court, Bengaluru. The respondent-wife is at liberty to initiate execution proceedings for recovery of the arrears of maintenance.

C.P. No.172 of 2023 filed by the wife is allowed. M.C. No.2463 of 2019 filed by husband for annulment of marriage, pending before IV Additional Principal Judge, Family Court, Bangalore, is directed to be transferred to the Senior Civil Judge and J.M.F.C., Malavalli.

Sd/-
(P SREE SUDHA)
JUDGE

CS
CT:NR
List No.: 1 Sl No.: 2