HC-KAR

NC: 2026:KHC:60489
WP No. 15198 of 2026

CNR: KAHC010335182026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 15198 OF 2026 (GM-FC)

BETWEEN:

1. SMT NAMRATHA N
   W/O GIRISH KUMAR R.G.
   AGED ABOUT 36 YEARS,

2. KUM.NIHIRA GIRISH,
   D/O GIRISH KUMAR.R.G.
   AGED ABOUT 6 YEARS,
   REPRESENTED BY HER
   NEXT FRIEND/MOTHER
   SMT. NAMRATHA.N.

   BOTH ARE RESIDING AT
   R/A NO.78, 5TH CROSS,
   MCECHS LAYOUT,
   NEAR SURUCHI HOTEL,
   DR.SHIVARAM KARANTH NAGAR
   BENGLAURU-560 077.

...PETITIONERS

(BY SRI. MALLIKARJUNAIAH K.S., ADVOCATE)

Digitally signed by SUVARNA T
Location: HIGH COURT OF KARNATAKA

AND:

SRI. GIRISH KUMAR R.G.,
S/O LATE K.R.GOPAL,
AGED ABOUT 39 YEARS
R/A FLAT NO.4082,
CASA PARADISO, SOBHA CITY
THANISANDRA MAIN ROAD,
BENGLUARU-560 077.

...RESPONDENT

(DEEMED SERVICE OF NOTICE TO RESPONDENT V/O/D:30/10/2026)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE WRIT OR ANY OTHER APPROPRIATE ORDER FOR MODIFICATION OF THE TRIAL COURT ORDER AND ENHANCE THE INTERIM MAINTENANCE FOR AT LEAST RS.80,000/- PER MONTH INSTEAD OF RS.20,000/- PER MONTH GRANTED BY THE TRAIL COURT ON THE FILE OF THE LEARNED IIIRD ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT AT BENGALURU DATED 24.02.2026 IN APPLICATION (1.A.NO.3) UNDER SECTION 144 OF BNSS ACT, FILED IN CRL. MISCELLANEOUS NO. 802/2024 VIDE ANNEXURE-A TO THIS WRIT PETITION.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

Aggrieved by the order dated 24.02.2026 passed on I.A.No.2 in C.Misc.No.802/2024 by the III Addl. Principal Judge, Family Court, Bengaluru, the petitioner/wife is before this Court.

2. The parties are referred to as husband and wife for the sake of convenience.

3. The petitioner/wife had filed an application seeking maintenance for herself and the minor child an amount of Rs.1,50,000/- and Rs.3,00,000/- towards litigation expenses.

The Family Court, by order impugned had granted an amount of Rs.20,000/- per month as interim maintenance for the petitioners from the date of application till disposal of the petition. Further, the husband is directed to pay Rs.20,000/- as litigation expenses.

3. Learned counsel for the petitioner/wife submits that the wife has no income to maintain herself, and in fact a joint memo is filed before the court showing that the husband is ready to pay the school expenses. Even that has not been paid by the husband. Though the husband has properties and derives income from them, the Family Court has failed to consider any of these aspects. It is also submitted that he has a liquor license and has himself transferred it in the name of the brother. All these things show that the husband transferred the license only to avoid payment of maintenance. It is submitted that, as he has sufficient income, the Family Court ought to have granted the maintenance as claimed by the wife.

4. Notice to the respondent is returned with a postal shara "unclaimed", which amounts to deemed service of notice. Hence, service of notice to the respondent is held sufficient.

5. Having heard learned counsel for the petitioner, perused the material on record. This Court has gone through the statements of assets and liabilities, in which the petitioner had shown that the husband has immovable properties, receives rent, and, according to the petitioner, he is also having the excise license and deriving lot of income towards that. However, there is no material before the Court. Considering these facts, this Court is of the view that the matter has to be remanded back to the trial Court, giving the petitioner an opportunity to place all the material before the Court, so the Family Court would be in a better position to decide the amount of maintenance the petitioner is entitled. However, till the application is decided, the father shall continue to pay the amount of Rs.20,000/- and also the educational expenses of the child. In that view of the matter, this Court is passing the following:

ORDER

i. The order dated 24.02.2026 passed on I.A.No.2 in C.Misc.No.802/2024 by the III Addl. Principal Judge, Family Court, Bengaluru, is ***set aside,*** and the matter

is ***remanded back*** to the Family Court for fresh consideration.

ii. Both the parties are at liberty to adduce evidence.

iii. Till the application is decided by the Family Court, the husband shall continue to pay Rs.20,000/- per month and also the school expenses.

iv. This order, where Rs.20,000/- is granted and also directed to pay the educational expenses, shall not be construed as an expression of the Court with regard to the maintenance which is going to be decided by the Family Court.

v. Pending IAs., if any, shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

PKN
List No.: 1 Sl No.: 30
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