HC-KAR

NC: 2026:KHC:62723
WP No. 17433 of 2026
C/W WP No. 33478 of 2026

CNR: KAHC010382382026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 17433 OF 2026 (GM-FC)

C/W

WRIT PETITION NO. 33478 OF 2026 (GM-FC)

IN WP No. 17433/2026

BETWEEN:

SRI. N.UMASHANKAR
S/O LATE NAGARAJ
AGED ABOUT 43 YEARS
R/A NO. SIDDAPPAJI ROAD
H.B.ROAD, H.D.KOTE TOWN
MYSORE DISTRICT-571 114

…PETITIONER

(BY SRI. KEMPARAJU, ADVOCATE)

Digitally signed by SUVARNA T
Location: HIGH COURT OF KARNATAKA

AND:

SMT. VRUNDA @ DHANALAKSHMI. V
W/O N.UMASHANKAR
AGED ABOUT 42 YEARS
R/AT NO.7, JB KAVAL
GANESHA BLOCK,
BEHIND PANCHAMUKHI
GANESHA TEMPLE, NANDINI LAYOUT
BENGLAURU-560 096

…RESPONDENT

(BY SRI. R. CHANDRA KUMAR, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO

ISSUE A WRIT OF CERTIORARI QUASHING THE IMPUGNED ORDER DATED 04.02.2026 IN M.C.1314/2024 PASSED BY THE PRL JUDGE, FAMILY COURT, BENGALURU ANNEXURE-A.

IN WP NO. 33478/2026

BETWEEN:

SMT VRUNDA @ DHANALAKSHMI V
W/O. N.UMASHANKAR,
AGED ABOUT 40 YEARS,
R/AT NO.7, J.B.KAVAL,
GANESHA BLOCK,
BEHIND PANCHAMUKHI GANESHA TEMPLE,
NANDINI LAYOUT,
BENGALURU-560 096

...PETITIONER

(BY SRI. R. CHANDRA KUMAR, ADVOCATE)

AND:

SRI N.UMASHANKAR N.,
S/O. LATE NAGARAJ,
AGED ABOUT 41 YEARS,
R/AT SIDDAPPAJI ROAD,
H.B.ROAD, H.D.KOTE TOWN,
MYSORE DISTRICT-571 114

...RESPONDENT

(BY SRI. KEMPARAJU, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER, OR DIRECTION AGAINST THE RESPONDENT MODIFYING THE IMPUGNED ORDER DATED 04.02.2026 ONE PASSED BY THE LEARNED PRINCIPAL JUDGE, FAMILY COURT, BENGALURU ON THE INTERIM MAINTENANCE APPLICATION IN M.C. NO. 1314/2024 IE., IA NO.3, WHICH IS FOUND AT ANNEXURE-A.

CNR: KAHC010382382026

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

Aggrieved by the order dated 04.02.2026 passed in I.A.No.3 in M.C.No.1314/2024 by the Principal Judge, Family Court, Bengaluru, both the husband and the wife are before this Court by filing WP.No.17433/2026 and WP.No.33478/2026, respectively.

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

3. The wife had filed M.C.No.1314/2024 seeking dissolution of marriage. In that, the wife had filed I.A.No.3 under Section 24 of the Hindu Marriage Act, 1955, seeking interim maintenance of Rs.50,000/- per month. The Family Court had directed the husband to pay interim maintenance of Rs.10,000/- per month to the wife and Rs.5,000/- per month for the minor son, and to take care of all the educational expenses of the minor son. As the wife had not incurred

litigation expenses, the Family Court had not granted any such expenses.

4. Learned counsel appearing for the husband submits that his income is only Rs.25,000/- per month. Out of that, he is required to pay Rs.15,000/- per month to the wife and child as maintenance and to bear the entire educational expenses of the child. It is submitted that he has an income of Rs.25,000/- and ancestral properties. He has a brother, who is no more, and the brother's wife has got the share in those properties. It is submitted that the Family Court, without any basis and without any evidence on record, had granted maintenance of Rs.15,000/- per month. It is submitted that the wife is also earning and has suppressed these facts. Hence, he has filed an application to initiate perjury proceedings. It is submitted that the amount granted by the Family Court is on the higher side and needs to be reduced.

5. Learned counsel appearing for the wife submits that the wife had sought maintenance of Rs.50,000/- for herself and the child. It is submitted that the husband has huge landed properties, and the document is placed before the Court to

show that he has transferred an extent of 12 guntas in favour of one Rani. According to the wife, during the subsistence of the first marriage, he had contracted the second marriage. It is submitted that the documents are placed before the Court to show that the husband's family has a large number of landed properties. It is submitted that the Family Court, without considering any of these aspects, had granted maintenance of Rs.15,000/-, which is not sufficient for the wife to maintain herself and the child. It is submitted that the husband had come before the Court with suppression and misrepresentation of facts.

6. Having heard the learned counsel on either side, perused the entire material on record. There are several documents placed before the Court on behalf of the wife to show that the husband has landed properties, and a document has also been placed to show that when the husband felt he was unable to support himself, and all were joint family properties, he gifted a property in favour of one lady named Rani. The Family Court, while granting maintenance, recorded that even assuming the husband's monthly income is only

Rs.25,000/-, he has to pay reasonable maintenance to the wife for herself and to his minor son. Considering the fact that the wife has no independent income, the husband has monthly rental income of Rs.25,000/-, and considering the other facts and circumstances of the case, the status of the parties, and the standard of living of the parties, it is appropriate to direct the husband to pay monthly maintenance of Rs.10,000/- to the wife for herself, in addition to pay Rs.5,000/- per month towards the maintenance of the minor son, and to direct the husband to take care of all the educational expenses of the minor son. When all these documents were placed before the Family Court, the Family Court ought to have considered them and given a reasonable finding, in the facts and circumstances, to what is the maintenance the wife and the child are entitled to. Unfortunately, no such exercise was undertaken. The document in which a Gift Deed is executed in respect of a third party clearly establishes that the husband, with the intention not to pay maintenance and to defraud the interests of the wife and the child, has transferred the property. It is an admitted case that the husband's family has valuable landed properties and that the husband is deriving income from the same. In

those circumstances, the Family Court ought to have looked into all those documents and determined what would be the maintenance for both the wife and the child. In the light of the above discussions, this Court deems it appropriate to enhance the compensation and to pass the following:

ORDER

i. The husband is directed to pay interim maintenance of Rs.10,000/- per month to the wife and Rs.10,000/- per month to the minor son.

ii. The husband shall bear the entire educational expenses of the minor son.

iii. Accordingly, WP.No.17433/2026 filed by the husband is ***dismissed***.

iv. WP.No.33478/2026 filed by the wife is ***partly allowed***.

v. All I.As. in these petitions shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

MEG
List No.: 2 Sl No.: 18
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