HC-KAR
NC: 2026:KHC:59841
WP No. 21353 of 2026
CNR: KAHC010471432026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 21353 OF 2026 (GM-FC)

BETWEEN:

GURUSWAMY,
S/O. SHIVANNA,
AGED ABOUT 35 YEARS,
R/AT MENASIGANAHALLI VILLAGE,
CHANNAPATNA TALUK,
RAMANAGARA DISTRICT - 562 160.

...PETITIONER

(BY SRI. B. VIJAY SHETTY., ADVOCATE)

AND:

PAVITHRA K,
D/O. LATE KENCHEGOWDA,
AGED ABOUT 31 YEARS,
R/AT SOMEGOWDANADODDI VILLAGE,
VIRUPAKSHIPURA HOBLI,
CHANNAPATNA TALUK,
RAMANAGARA DISTRICT - 562 160.

...RESPONDENT

(BY SRI. BELLE R., ADVOCATE)

Digitally signed by SUVARNA T
Location: HIGH COURT OF KARNATAKA

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS; (B) SET ASIDE THE ORDER PASSED BY THE HON'BLE ADDITIONAL SENIOR CIVIL JUDGE AND J.M.F.C., CHANNAPATNA, IN M.C. NO.33/2024, DATED 11-06-2026 PASSED ON I.A. NO.3, FILED BY THE RESPONDENT UNDER SECTION 24 OF THE HINDU MARRIAGE ACT, 1955, WHICH DIRECTED THE PETITIONER TO PAY AN AMOUNT OF RS. 5,000/- PER MONTH TO RESPONDENT TILL THE DISPOSAL OF

THE PETITION AND ALSO DIRECTED TO PAY LITIGATION EXPENSES OF RS.10,000/- TO THE RESPONDENT, VIDE ANNEXURE-A AND THEREBY TO DISMISS THE SAID APPLICATION AND ETC.,

THIS PETITION, 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 11.06.2026 passed in IA.No.3 in MC.No.33/2024 by the Additional Senior Civil Judge and JMFC, Channapatna, the petitioner/husband is before this Court.

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

3. MC.No.33/2024 is filed by the petitioner/husband seeking divorce on the ground of cruelty. It is the case of the husband that the wife stayed only 9 days with him and then left the matrimonial house. The wife has filed IA.No.3 seeking monthly maintenance of Rs.25,000/- and litigation expenses of Rs.1,00,000/-.

4. It is the case of the wife that she stayed for 3 months. The Trial Court, by the order impugned, granted maintenance of Rs.5,000/-. While granting maintenance, the Trial Court observed that the husband had clearly stated that the wife has her own house and good educational qualifications but had suppressed the same before the trial Court. However, this fact also has to be taken into consideration while determining the quantum of interim compensation in favour of the wife. It is well settled that, while awarding interim maintenance, the trial Court can make some guesswork regarding the income of the parties and arrive at a just and reasonable amount. The adjudication is vested with the Court, given the conditions present and the reasonableness of the quantum in the present case. The onus lies on the husband to prove that the respondent has independent income to lead her life; this has not been discharged by the petitioner. The wife has admitted that she is a working woman. On this sole ground, the application cannot be rejected. However, considering that the wife is living separately from the husband and does not have independent income, and that the affidavit

depicting the assets and liabilities shows that the respondent/wife has some income, she is not entitled to litigation expenses. Aggrieved thereby, the petitioner/husband is before this Court.

5. Learned counsel appearing for the husband submits that the wife is employed and earns Rs.69,000/- per month. This aspect was not discussed by the trial Court, and, without any basis, an amount of Rs.5,000/- was awarded. It is also submitted that she stayed with the husband for only 09 days, and the Court, without looking at the statement of assets and liabilities and without considering the settled legal position, cannot grant maintenance of Rs.5,000/-. It is submitted that the impugned order needs to be set aside.

6. Learned counsel appearing for the respondent/wife submits that she stayed for 3 months. She has the responsibility of taking care of the mother, and she is staying in a P.G. She has to take care of herself, and the wife has furnished the statement of assets and liabilities, including the expenditure. In light of the same, although the wife asked for Rs. 25,000/-, the Trial Court granted only Rs. 5,000/-, and

there are no grounds to interfere. It is submitted that she has taken loan for the wedding and that she has to pay. In those circumstances, the order impugned needs no interference by this Court.

7. Having heard the learned counsel on either side, perused the material on record. The husband had filed the MC seeking divorce. In that, the wife had filed an application seeking maintenance of an amount of Rs.25,000/-. This Court has gone through the statement of assets and liabilities. She has shown expenses of Rs.69,000/- per month, and half of the expenses she has shown pertain to her mother. The trial Court, in its entire order, does not discuss the wife's requirements, her income, or her entitlement to maintenance. Simply, an application is filed for maintenance, and the trial Court, without any basis, had granted an amount of Rs.5,000/-. The Court observes that the trial Court has to do some guesswork when both the parties have filed their statements of assets and liabilities and when all the material is before the Court; there is no question of guesswork, and the trial Court has to appreciate the material on record.

8. In the considered opinion of this Court, given the wife's financial position, she is not entitled to any maintenance, including the Rs.5,000/- awarded by the Trial Court. Accordingly, the Court is passing the following order:

ORDER

i. The order passed in IA.No.3 in MC No. 33/2024, dated 11.06.2026, by the Additional Senior Civil Judge and JMFC, Channapatna, is ***set aside.***

ii. Accordingly, the writ petition is ***allowed***.

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

SD/-
(LALITHA KANNEGANTI)
JUDGE

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List No.: 2 Sl No.: 15
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