HC-KAR

NC: 2026:KHC:64362
WP No. 29311 of 2026

CNR: KAHC010639962026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 29311 OF 2026 (GM-FC)

BETWEEN:

SRI M.PRADEEP
S/O MUNIRAJU,
AGED ABOUT 30 YEARS,
R/O- PURA VILLAGE,
LAKKUR HOBLI,
MALUR TALUK-563130.

...PETITIONER

(BY SRI. G.K.SHIVA PRAKASH, ADVOCATE)

AND:

SMT V.PREMA
W/O M.PRADEEP
D/O VENKATESHAPPA,
AGED ABOUT 27 YEARS,
R/AT NO.4,
NEAR BBMP OFFICE NEELURPURAM,
NEW TIPPASANDRA,
BANGALORE-75.

...RESPONDENT

(BY SMT.SHEETHAL U., ADVOCATE FOR
SRI. SHIVANANDA METI, ADVOCATE)

Digitally signed by SUVARNA T
Location: HIGH COURT OF KARNATAKA

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR THE RECORDS IN MC 33/2024 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC AT MALUR AND ISSUE AN ORDER/DIRECTION IN THE NAME OF WRIT OF CERTIORARI BY

QUASHING THE IMPUGNED ORDER ON IA NO.1 FILED UNDER SECTION 24 OF HINDU MARRIAGE ACT DATED 30/6/2026, IN MC 33/2024 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC AT MALUR FURNISHED AS ANNEXURE-A AND ALLOW THE WRIT PETITION FILED BY THE PETITIONER.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

Aggrieved by the order dated 30.06.2026 passed in I.A.No.1 in M.C.No.33/2024 by the Senior Civil Judge and JMFC, Malur, the petitioner/husband is before this Court.

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

3. The husband had filed M.C.No.33/2024 seeking restitution of conjugal rights. In that, the wife filed I.A.No.I under Section 24 of the Hindu Marriage Act, 1955, seeking maintenance of Rs.25,000/- per month and litigation expenses of Rs.15,000/- for the wife. The trial Court, by the impugned order, directed the husband to pay monthly maintenance of Rs.10,000/- to the wife and Rs.5,000/- towards litigation expenses.

4. Learned counsel appearing for the husband submits that the trial Court had failed to consider the husband's financial capacity. It is the case that he is working as a flower vendor. It is submitted that the wife is working, earning, and residing in Bengaluru. It is submitted that all these aspects were not considered by the trial Court.

5. Learned counsel appearing for the wife submits that the trial Court had considered the imminent necessity and the wife's requirement and had granted maintenance. It is submitted that the husband has also not filed his statement of assets and liabilities. Hence, the Court had rightly granted the maintenance.

6. Having heard the learned counsel on either side, perused the entire material on record. As per the judgment of the Apex Court in ***Rajnesh Vs. Neha***[1], whenever an application is filed seeking maintenance, both parties must file their respective statements of assets and liabilities. If the wife fails to file her statement of assets and liabilities, the Court need not consider the application. If the husband fails to file

[1] (2021) 2 SCC 324

the statement of assets and liabilities, the Court must pass orders based on the material available on record. However, in this case, the trial Court, without even insisting on the statement of assets and liabilities, passed the order. If it is a special case where maintenance has to be granted without the statement of assets and liabilities, the trial Court ought to have given a reason in the order. Unfortunately, that is also not done.

7. When a report is called from the trial Court, the learned Judge has stated that he is aware of the judgment of the Apex Court and that he can look into all that at a later point of time. Unfortunately, it is not the purport of the judgment. Why there is no mention in the entire order about the judgment of ***Rajnesh Vs. Neha*** and the statement of assets and liabilities is not known. When the wife had come before the Court seeking maintenance, she is supposed to file her statement of assets and liabilities. Though the judgment was passed by the Hon'ble Apex Court in the year 2020, even now it has not come into practical reality. Before ***Rajnesh Vs. Neha***, the Courts were doing guesswork and granting maintenance.

When the Hon'ble Apex Court had laid down the guidelines and it has become very easy for the Courts to decide the applications, still some of the judicial officers are not following the same. Considering the fact that the wife has also not filed the statement of assets and liabilities and it is the case of the husband that he is not financially in a position to pay the said amount, this Court is passing the following order:

ORDER

i. The order dated 30.06.2026, passed in I.A.No.1 in M.C.No.33/2024 by the Senior Civil Judge and JMFC, Malur, is ***set aside***, and the matter is ***remanded*** to the trial Court.

ii. Till the application is decided by the trial Court, the husband shall continue to pay maintenance of Rs.5,000/- per month.

iii. Without further notice, the parties shall appear before the trial Court on **02.12.2026**.

iv. By 07.12.2026, both parties shall file their respective statements of assets and liabilities. If the wife fails to file her statement of assets and liabilities, the trial Court shall dismiss the application for maintenance. If the husband fails to

file his statement of assets and liabilities, the trial Court shall pass orders immediately based on the material on record.

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

vi. All I.As. in this petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

MEG
List No.: 2 Sl No.: 24
AK