

IN THE HIGH COURT OF KARNATAKA AT BENGALURU



DATED THIS THE 17<sup>TH</sup> DAY OF APRIL, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

REV.PET FAMILY COURT NO.15 OF 2026

C/W

WRIT PETITION NO.8159 OF 2024 (GM-FC)

IN RPFC No.15/2026

**BETWEEN:**

SRI. RAMESH N  
AGED 40 YEARS,  
S/O LATE SRI. NANJUNDA  
R/AT NO.1/19,  
13<sup>TH</sup> CROSS,  
VITTAL NAGAR,  
BENGALURU-560 026.

...PETITIONER

(BY SMT. R. RASHMI SAGAR, ADVOCATE FOR  
SRI. B.S RAGHUPRASAD.,ADVOCATE)

**AND:**

SMT. RAKSHA M @ SHRUTHI  
AGED 34 YEARS  
W/O SRI.RAMESH N  
D/O MANJUNATH H  
R/AT GEDDALAHALLI CIRCLE, BESIDE  
SHANTHINATHA MOTOR SHOW  
ROOM, TUMAKURU CITY 572 102.

...RESPONDENT

(BY SRI. R.B. SADASHIVAPPA.,ADVOCATE)

THIS RPFC IS FILED UNDER SEC.19(4) OF THE FAMILY COURTS ACT., AGAINST THE ORDER DATED 21.11.2025 PASSED IN C.MISC NO.12/2024 ON THE FILE OF IST ADDITIONAL PRINCIPAL JUDGE, FAMILY COURT, TUMAKURU, PARTLY ALLOWING PETITION FILED UNDER ORDER 125 OF Cr.P.C FOR MAINTENANCE.



**IN WP NO.8159/2024**

**BETWEEN:**

SRI. RAMESH. N  
AGED 38 YEARS  
S/O LATE SRI. NANJUNDA  
R/AT NO.8/4, SRK NILAYA  
HOSAKEREHALLI MAIN ROAD  
BYATARAYANAPURA  
MYSORE ROAD  
BENGALURU - 560 026.

...PETITIONER

(BY SMT. R.RASHMI SAGAR, ADVOCATE FOR

SRI. B.S.RAGHUPRASAD.,ADVOCATE)

**AND:**

SMT. RAKSHA M @ SHRUTHI  
AGED 30 YEARS  
W/O SRI RAMESH N  
D/O MANJUNATH H  
R/AT MARUTHI KRUPA  
5<sup>TH</sup> A CROSS  
MARUTHI NAGAR  
TUMAKURU 572 101.

...RESPONDENT

(BY SRI. R.B. SADASHIVAPPA.,ADVOCATE)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE IMPUGNED ORDER PASSED BY THE 4<sup>TH</sup> ADDL. PRL. JUDGE FAMILY COURT AT BENGALURU IN MC NO. 5/2022 ON 05.01.2024 PRODUCED AS ANNEXURE-F TO THE WRIT PETITION.

THESE PETITIONS HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 16.03.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE DR. JUSTICE K.MANMADHA RAO

**CAV ORDER**

The R.P.F.C.No.15/2026 is filed seeking to set aside the impugned judgment dated 21.11.2025 passed in Crl.Misc.12/2024 on the file of the I Additional Principal Family Court Judge, Family Court at Tumakuru ('the Family Court' for short).

The W.P.No.8159/2024 is filed seeking to issue writ of certiorari and set aside the impugned order dated 05.01.2024 on I.A.No.III passed in M.C.No.5/2022 on the file of the IV Additional Principal Judge, Family Court , Bangalore ('the Family Court' for short).

2. The brief facts of the case in both the connected matters are that:-

The marriage between the petitioner/husband and the respondent/wife was solemnized on 23.11.2020 at R.S. Kalyana Mantapa, Tumakuru, in accordance with Hindu rites and customs. It is the case of the respondent/wife that her parents incurred expenditure of about Rs.40,00,000/- towards the marriage and provided cash and gold ornaments. Soon thereafter, disputes arose

between the parties, with allegations that within one week of the marriage, the petitioner/husband and his family members demanded an additional sum of Rs.25,00,000/-, sought transfer of properties standing in her name, and insisted upon purchase of a plot in Bengaluru.

3. The respondent/wife has alleged that upon failure to meet the said demands, she was subjected to physical and mental cruelty, which led her to consume tablets and become unconscious. Thereafter, she lodged a complaint in Crime No.350/2021 before Byatarayanapura Police Station, Bengaluru, for offences punishable under Sections 498-A and 506 read with Section 34 of Indian Penal Code, 1860 and Sections 3 and 4 of the Dowry Prohibition Act, 1961 pursuant to which charge sheet has been filed in C.C.No.5589/2022 before the XXXI ACMM, Bengaluru. It is further her case that she has been residing separately at her parental home in Tumakuru for the past two years without any independent source of income.

4. *Per contra*, it is the case of the petitioner/husband that the respondent/wife voluntarily deserted the matrimonial home on 15.12.2021 and has initiated false proceedings. The petitioner/husband instituted M.C.No.5/2022 before the IV Additional Principal Judge, Family Court, Bengaluru, seeking dissolution of marriage under Section 13(1)(a) of the Hindu Marriage Act, 1955. During the pendency of the said proceedings, the respondent/wife filed an application on 14.10.2022 in I.A.No.III under Section 24 of the Hindu Marriage Act, 1955 seeking interim maintenance of Rs.50,000/- per month and litigation expenses of Rs.50,000/-. The petitioner/husband filed detailed objections contending that the respondent/wife is a B.E. graduate, engaged in business activities including running a gas agency, earning substantial income, and has suppressed material facts including pendency of partition proceedings and rental income.

5. Subsequently, the respondent/wife instituted Crl.Misc.No.12/2024 before the I Additional Principal Judge, Family Court, Tumakuru, under Section 125 of the Cr.P.C. seeking maintenance of Rs.60,000/- per month, reiterating allegations of desertion and lack of income. The petitioner/husband opposed the same contending that the respondent/wife is financially independent, possesses sufficient means, and that parallel proceedings for maintenance are being pursued without disclosure of earlier orders.

6. The I Additional Principal Judge, Family Court, Tumakuru, in Crl.Misc.No.12/2024, by judgment dated 21.11.2025, awarded maintenance of Rs.10,000/- per month to the respondent/wife. Further held that there shall be adjustment of interim maintenance ordered and paid by the husband in pursuance of orders in M.C.No.5/2022.

7. The IV Additional Principal Judge, Family Court, Bengaluru, in M.C.No.5/2022, by order dated 05.01.2024

passed on I.A.No.III filed under Section 24 of the Hindu Marriage Act, 1955 partly allowed the application and directed the petitioner to pay interim maintenance of Rs.10,000/- per month and litigation expenses of Rs.20,000/-.

8. It is contended by the learned counsel for the petitioner/husband in RPFC 15/2026 that the finding that the petitioner is an able-bodied man and hence liable to pay maintenance is rendered in disregard of the material placed on record, which discloses that the respondent is possessed of independent sources of income, including business and rental income amounting to Rs.4,00,000/- per month.

9. It is further contended that the grant of maintenance in the present Criminal Miscellaneous proceedings, when an order of maintenance has already been passed under the Hindu Marriage Act, 1955 in the M.C.No.5/2022 between the same parties, results in parallel adjudication on identical claims. Such parallel

proceedings, in effect, vex the petitioner twice for the same cause, which is impermissible in law. In this context, the law laid down by the Apex Court in ***Rajnish v. Neha*** reported in **(2021) 2 SCC 324** which mandates that an applicant seeking maintenance is under an obligation to disclose all prior and existing maintenance orders. In the present case, despite being aware of the interim maintenance granted in the MC petition, the respondent has failed to disclose the same and has also suppressed material particulars relating to her qualifications, partition suits, and business income, thereby misleading the Court below and affecting the maintainability of the petition.

10. It is also contended that the Court below has committed an error in fastening liability upon the petitioner to pay maintenance notwithstanding the production of documents evidencing that maintenance is already being deposited in the MC case. The failure to consider such material evidence vitiates the impugned order. Additionally, it is a settled position that an educated and capable spouse cannot, without just cause, claim

maintenance by projecting financial incapacity when she is in a position to maintain herself.

11. The learned counsel appearing for the petitioner in W.P.No.8159/2024 would contend that though the trial Court has recorded that the respondent/wife is educated, an engineering graduate and is engaged in business, it has nevertheless proceeded to pass the impugned order contrary to the provisions of the Hindu Marriage Act, 1955 thereby rendering the same unsustainable. Further, the Court below has failed to appreciate that the respondent is highly educated, self-sustainable and gainfully employed, despite several documents having been produced by the petitioner in that regard.

12. It is further contended that the claim of Rs.50,000/- per month as maintenance and Rs.20,000/- towards litigation expenses is stated to be exaggerated, unreasonable and intended to harass the petitioner, and that the award of Rs.20,000/- towards litigation expenses is not supported by any material or law, rendering the

impugned order liable to be quashed. The impugned order is arbitrary and violative of Article 14 of the Constitution of India, inasmuch as both parties are equally educated and employed, yet the trial Court, without assigning reasons, has granted relief in favour of the respondent, thereby conferring an unwarranted benefit. It is further urged that the grant of such relief amounts to granting relief even prior to proper adjudication and does not fall within the scope of interim maintenance, thereby vitiating the impugned order.

13. It is also contended that the respondent has voluntarily left the matrimonial home on 15.12.2021 and has been residing separately for about two years, during which period she has maintained herself, thereby disentitling her to any maintenance, either interim or final. Further, qualified and capable wife is not entitled for maintenance under Section 125 of the Cr.P.C. in the absence of proof of incapacity and neglect.

14. Heard learned counsel appearing on either side.

15. This Court has given anxious consideration to the contentions raised by the learned counsel for the parties and perused the material on record. Regarding the challenge to the interim maintenance in the proceedings in M.C.No.5/2022, this Court is of the considered view that the nature and scope of relief under Section 24 of the Hindu Marriage Act, 1955 is distinct and limited to providing immediate financial assistance to enable a wife to prosecute or defend matrimonial proceedings. In the present case, it is not in dispute that the respondent/wife had filed I.A.No.III on 14.10.2022 seeking interim maintenance and litigation expenses, and the IV Additional Principal Judge, Family Court, Bengaluru, by order dated 05.01.2024, had partly allowed the same by awarding Rs.10,000/- per month as interim maintenance and Rs.20,000/- towards litigation expenses.

16. However, it is now brought on record that subsequently, in Crl.Misc.No.12/2024, the I Additional Principal Judge, Family Court, Tumakuru, by judgment dated 21.11.2025, upon full-fledged consideration of

materials on record, has awarded maintenance of Rs.10,000/- per month under Section 125 of the Cr.P.C. The said determination being a final adjudication on the entitlement and quantum of maintenance, based on appreciation of evidence, assumes primacy over any interim arrangement made during the pendency of matrimonial proceedings. In that view of the matter, continuation of a parallel direction for interim maintenance in the matrimonial proceedings in M.C.No.5/2022 would result in duplication of relief and overlapping financial liability for the same period, which cannot be sustained in law.

17. At the same time, insofar as the grant of litigation expenses of Rs.20,000/- by order dated 05.01.2024 is concerned, this Court finds that the same is traceable to Section 24 of the Hindu Marriage Act, 1955, which specifically empowers the Court to award expenses of proceedings to a spouse who lacks sufficient independent income to effectively contest the proceedings. Having regard to the fact that the respondent/wife is

required to defend M.C.No.5/2022 instituted by the petitioner/husband and has also been prosecuting connected proceedings arising out of matrimonial disputes, the requirement of litigation expenses cannot be said to be unwarranted. The said amount is a one-time measure intended to facilitate access to justice and ensure fair opportunity of representation. On the facts and circumstances of the case, the award of Rs.20,000/- towards litigation expenses is found to be just, reasonable and in consonance with the statutory scheme, and does not call for interference.

18. Therefore, while the interim maintenance granted in M.C.No.5/2022 cannot be permitted to operate in view of the final maintenance awarded in Crl.Misc.No.12/2024, the direction insofar as payment of litigation expenses of Rs.20,000/- stands on a different footing and is liable to be sustained.

19. Consequently, this Court directs that the maintenance awarded under Section 125 of the Cr.P.C., by

judgment dated 21.11.2025 in Crl.Misc.No.12/2024, shall be the governing and subsisting obligation of the petitioner/husband. The IV Additional Principal Judge, Family Court, Bengaluru, while adjudicating M.C.No.5/2022 finally, shall take into consideration the said maintenance and ensure appropriate adjustment while determining any permanent alimony or final maintenance, so as to avoid duplication.

20. In view of the above, this Court proceeds to pass the following:

**ORDER**

*(i) R.P.F.C.No.15/2026 filed by the petitioner/husband stands **dismissed**.*

*(ii) The judgment dated 21.11.2025 passed in Crl.Misc.No.12/2024 by the I Additional Principal Judge, Family Court, Tumakuru, awarding maintenance of Rs.10,000/- per month to the respondent/wife is hereby affirmed.*

*(iii) W.P.No.8159/2024 is **partly allowed**.*

*(iv) The order dated 05.01.2024 passed on I.A.No.III in M.C.No.5/2022 by the IV Additional Principal Judge, Family Court, Bengaluru, insofar as it relates to grant of interim maintenance of Rs.10,000/- per month is hereby set aside.*

*(v) The direction to pay litigation expenses of Rs.20,000/- to the respondent/wife, as ordered in I.A.No.III dated 05.01.2024, is hereby upheld.*

*(vi) The maintenance awarded under Section 125 of the Cr.P.C. shall be the operative maintenance payable by the petitioner/husband, subject to adjustment, if any, in the final adjudication of M.C.No.5/2022.*

No order as to costs.

**SD/-  
(DR.K.MANMADHA RAO)  
JUDGE**

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