

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

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DATED THIS THE 17TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO.33410 OF 2025 (GM-FC)

BETWEEN:

...PETITIONER

(BY SRI. KAPIL DIXIT.,ADVOCATE)

AND:

...RESPONDENT

(BY SRI. REGO L.P.E.,ADVOCATE)



THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER DATED 04.08.2025 UPON IA NO. 2 IN CRL. MISC. 685/2022 PASSED BY THE HONORABLE IV ADDL. PRL. JUDGE FAMILY COURT AT BENGALURU PRODUCED AS ANNEX-A AND REDUCE THE QUANTUM OF MAINTENANCE PASSED IN ORDER DATED 04.08.2025 UPON IA NO. 2 IN CRL. MISC NO. 685/2022 PASSED BY THE HONORABLE IV ADDL. PRL. JUDGE FAMILY COURT AT BENGALURU FROM RS. 20,000/- TO NIL PRODUCED AS ANNEXURE-A.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 24.03.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:

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

CAV ORDER

The Petitioner-husband has preferred this Writ Petition under Article 227 of the Constitution of India seeking to quash the order dated 04.08.2025 passed by the Learned IV Addl. Principal Family Judge, Bengaluru, on IA.No.2 in Crl.Misc.685/2022. By the impugned order, the Family Court directed the Petitioner to pay interim maintenance of Rs.20,000/- per month to the Respondent-wife.

2. The Petitioner herein (husband) was the Respondent before the Family Court, and the Respondent herein (wife) was the Petitioner in the Family Court.

3. For the sake of convenience, the parties herein are referred to as per their ranking before this Court.

4. The Petitioner and the Respondent solemnized their marriage on 04.07.2021, at the Ulavi Channabasaveshawara Temple in Dharwad, Karnataka. Both parties were divorcees at the time of the marriage.

5. The matrimonial relationship was short-lived and marked by significant discord. The Petitioner alleges that the Respondent treated him primarily as a personal financier and used threats of criminal complaints to extract funds.

6. The Petitioner is a qualified software engineer. However, following organizational restructuring, he lost his job, with his last working day being 08.09.2023. He maintains he is currently unemployed and sustains himself through savings and his parents' pension.

7. The Respondent holds an M.Sc. from Sunway University, Malaysia. Since January 2023, she has been employed as Administrative Support (SQA) at Elanco, Bangalore, earning a salary exceeding Rs.40,000/- per month . Her mother is a pensioner, and the Respondent has no dependents.

8. The Petitioner alleges that in May 2022, the Respondent deserted the matrimonial home without information. Conversely, the Respondent filed maintenance proceedings under Section 125 of the CrPC on 23.09.2022, seeking Rs.70,000/- per month.

9. The Petitioner contends that the Family Court failed to consider the Respondent's independent income and his own lack of employment as disclosed in the respective Affidavits of Assets and Liabilities.

10. It is further urged that the law regarding interim maintenance is not intended to equalize the income of spouses, and given the Respondent's stable employment,

the order is an arbitrary burden upon an unemployed spouse.

11. Learned counsel for the Respondent-wife has urged that the marriage was marked by cruelty and intimidation. She submits the Petitioner has failed to provide any maintenance since May 2022.

12. While the Respondent is currently undertaking a research course, it is submitted that the Petitioner is a highly successful software engineer who was earning a monthly salary of Rs.4,50,000/- at Innominds Software Pvt. Ltd. .

13. The Respondent produced Tax Deduction Statements (TDS) for the years 2022-2024 demonstrating the Petitioner's total taxable income was Rs.45,50,288/- and Rs.66,29,532/- respectively.

14. It is further contended by the respondent that the Petitioner owns a 3BHK house in Yelahanka and two properties in the United Kingdom.

15. Heard learned counsels appearing for both parties.

16. This Court, in exercise of its supervisory jurisdiction under Article 227 of the Constitution of India, has carefully perused the impugned order and the underlying material on record. The primary issue for adjudication is whether the interim maintenance of Rs.20,000/- per month is just and reasonable.

17. Regarding Capacity to Pay, the law laid down in ***Rajnesh v. Neha (2021) 2 SCC 324*** is unequivocal: an able-bodied husband is presumed capable of earning and cannot evade his legal obligation by merely citing unemployment. The Petitioner's TDS records demonstrate a substantial earning capacity. His professional qualifications and past lucrative income signify a continued capacity to meet matrimonial obligations.

18. On Wife's Income, it is well-settled that gainful employment is not an absolute bar to awarding maintenance. The Court must assess if the income is

sufficient to sustain a lifestyle commensurate with that enjoyed in the matrimonial home. Given the Petitioner's documented monthly income during the marriage, the Respondent's salary of Rs.40,000/- is comparatively modest and does not bridge the status gap.

19. Regarding Quantum, the Respondent initially sought Rs.70,000/-. The Family Court judiciously reduced this to Rs.20,000/-, which this Court finds to be a conservative and supportive maintenance amount intended to prevent destitution relative to the Petitioner's status .

20. This Court finds that the learned Family Judge has correctly applied the principles enunciated in ***Rajnish v. Neha (2021) 2 SCC 324***. There is no jurisdictional error or patent illegality warranting interference. The order of the Family Court is just and reasonable.

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

ORDER

(i). The Writ Petition is hereby ***dismissed***.

(ii). The impugned order dated 04.08.2025 passed by the IV Addl. Principal Family Judge, Bengaluru, in Crl.Misc.No.685/2022, is upheld.

(iii). The Petitioner is directed to clear all arrears of interim maintenance within three months from the date of this order.

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

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