



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 22<sup>ND</sup> DAY OF APRIL, 2026**

**BEFORE**

**THE HON'BLE DR. JUSTICE K.MANMADHA RAO**

**WRIT PETITION NO.34389 OF 2025 (GM-FC)**

**R**

**BETWEEN:**

SMT SAHANA K  
W/O SANTHOSH S GOWDA,  
D/O KRISHNEGOWDA,  
NOW AGED ABOUT 23 YEARS,  
PREVIOUSLY  
R/AT AALENAHALLI FARM HOUSE  
MANCHEEBEEDU VILLAGE,  
AKKIHEBBALU HOBLI,  
K.R.PETE TALUK,  
MANDYA DISTRICT-571426.

NOW R/AT 78, 3<sup>RD</sup> FLOOR, 9<sup>TH</sup> CROSS,  
EERANNAPALYA MAIN ROAD,  
PAPAREDDY PALYA,  
NAGARABAVI 2<sup>ND</sup> STAGE,  
BENGALURU-560072.



...PETITIONER

(BY SRI.J.S. HALASHETTI, ADVOCATE)

**AND:**

SRI. SANTHOSH S GOWDA  
S/O SHANKAREGOWDA,



NOW AGED ABOUT 33 YEARS  
R/O ARAKERE VILLAGE,  
SABBANAHALLI POST -573124,  
HIRISASAVE HOBLI,  
CHANNARAYAPATTANA TALUK,  
HASSAN DISTRICT

...RESPONDENT

(BY SRI.SANKETH FOR SRI.K.V.KESHAVA, ADVOCATES)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 17.09.2025 PASSED BY THE COURT OF VI ADDL. PRL. JUDGE, FAMILY COURT, BENGALURU, ON I.A. NO.2/2023 IN M.C. NO.2153/2024, WHICH IS MARKED AS ANNEXURE-E AND ALLOW I.A. NO.2/2023 FILED U/S 24 OF HINDU MARRIAGE ACT, 1955, WHICH IS PRODUCED AT ANNEXURE-C AND ETC.

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

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



### **ORAL ORDER**

Being aggrieved by the order passed by the Court of VI Additional Principal Judge, Family Court, Bengaluru, in I.A No.2/2023 filed under Section 24 of Hindu Marriage Act in M.C.No.2153/2024 dated 17.09.2025, the petitioner/ wife has filed this petition.

2. For the sake of convenience, parties to the proceedings will hereinafter be referred to as husband and wife.

3. Wife filed I.A.No.II under Section 24 of the Hindu Marriage Act, 1955 (for short 'HMA Act') seeking interim maintenance of Rs.50,000/- per month and litigation expenses of Rs.1,00,000/-. The husband filed his objections to the said application. The Family Court after hearing both the parties dismissed the application - I.A No.II on the ground that the husband and wife could able to live only about 6-7 months and hence, wife is not



entitled to seek any interim maintenance and litigation expenses and posted the matter for evidence.

4. Learned counsel for the petitioner submitted that the only reason assigned by the Family Court is that since the parties lived together only for 6 to 7 months, wife is not entitled to seek any interim maintenance and litigation expenses, hence, the impugned order is passed, which is contrary to the facts, materials and law on record. It is further submitted that wife is studying B.Com and she is unemployed. The husband is employed in Dubai as an Accountant in a Company and he is earning Rs.8,00,000/- per month. Therefore, the learned counsel for the petitioner prays for setting aside the impugned order.

5. *Per contra*, learned counsel for the husband justifies the impugned order passed by the Family Court and he submits that the wife has falsely contended that she is studying B.Com and not employed. In fact, wife is gainfully employed and she is financially stable. In spite



of his repeated request to join matrimonial home in Dubai, the wife refused to do so. Hence, the learned counsel prays to dismiss the petition.

6. On hearing the submissions of the learned counsel appearing for the parties, it is suffice to refer Section 24 of the Hindu Marriage Act, 1955, which reads as under:

*"Section 24. **Maintenance pendente lite and expenses of proceedings.**—Where in any proceeding under this Act it appears to the Court that either the wife or the husband, as the case may be, has no independent income sufficient for her or his support and the necessary expenses of the proceeding, it may, on the application of the wife or the husband, order the respondent to pay to the petitioner the expenses of the proceeding, and monthly during the proceeding such sum as, having regard to the petitioner's own income and the income of the respondent, it may seem to the court to be reasonable.*



*[Provided that the application for the payment of the expenses of the proceeding and such monthly sum during the proceeding, shall, as far as possible, be disposed of within sixty days from the date of service of notice on the wife or the husband, as the case may be.]"*

7. On reading of the above said provision, it is relevant to note that the primary objective of maintenance pendente lite and litigation expenses under Section 24 of the Hindu Marriage Act, 1955, is to provide financial support to the claimant spouse, enabling them to maintain themselves and sustain the legal proceedings.

8. The objective of Section 24 is to provide financial assistance to the indigent spouse to maintain herself or himself during the pendency of the proceedings and also to have sufficient funds to carry on with the litigation or defend themselves so that they shall not suffer unduly in the conduct of the case for the want of funds.



9. While adjudicating an application under Section 24 of the Hindu Marriage Act, 1955, the Court exercises its discretion in passing an order regarding the interim maintenance amount that a spouse may be required to pay to the other based on reasonable grounds. In order to exercise this discretion, the court considers the income of the spouse who has made the application for interim maintenance and the income of the other spouse who is required to pay such interim maintenance and expenses.

10. It is also pertinent to note that the Court's discretion is judicial and not arbitrary in nature. Such judicial discretion must be exercised within the ambit of Section 24, considering the objective of the Act and adhering to the ideal principles of the matrimonial law.

11. Under Section 24 of the HMA, 1955, a matter is contemplated as a summary enquiry and not a full-fledged trial at length. If the court believes that the applicant is not likely to succeed in the dispute, then in



such a case, the court cannot, solely on the basis of such grounds, refuse to grant interim maintenance and expense of proceedings under Section 24.

12. The Hindu Marriage Act, 1955, under Section 24, does not lay down any rigid rule for deciding the quantum of interim maintenance. However, the quantum of such interim maintenance depends on the following factors:

- \* The duration of the marriage.
- \* The means and conduct of the spouses.
- \* The ability of the spouse to earn.
- \* Education and maintenance of children.
- \* Other such reasonable needs of the claimant.
- \* The educational qualifications of the claimant.

13. It is to be noted that in matters of granting maintenance pendente lite, the Court exercises a wide discretion. However, this discretion is not to be exercised in an arbitrary manner. It should be within the ambit of Section 24 and guided by the ideal principles of matrimonial laws.



14. In the above circumstances, it is observed that while disposing the I.A by the Family Court, the Family Court has not followed the object and scope of the law with regard to Section 24 of the Act and passed the impugned order dated 17.09.2025 and further without assigning proper reasons, the petition is rejected by the Family Court. Therefore, the matter has to be remitted back to the Family Court for fresh consideration with regard to affidavit of assets and liabilities are concerned along with other materials and the Family Court shall pass appropriate orders in accordance with law.

15. Accordingly, I proceed to pass the following:-

**ORDER**

- i. Writ petition is ***disposed of***.
- ii. The order passed by the Court of VI Additional Principal Judge, Family Court, Bengaluru, in I.A No.2/2023 filed under Section 24 of Hindu Marriage Act in M.C.No.2153/2024 dated 17.09.2025, is set aside.



- iii. The matter is remanded back to the Family Court to consider the same afresh and to pass orders.
- iv. Both parties shall not seek any adjournments and should co-operate with the Court in disposal of the matter.
- v. Both parties are directed to appear either in person or through their respective counsels before the Family Court on 10.06.2026 without further notice of this Court.
- vi. The Family Court shall give both the parties the opportunity to file objections to the affidavits of assets and liabilities respectively and shall dispose of the matter as expeditiously as possible.

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