



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO. 705 OF 2026 (GM-FC)

BETWEEN:

1. SRI. DARSHANIK. M. M,
AGED ABOUT 38 YEARS,
S/O M.M.MANJUNATH,
R/AT NO.77, KARISHMA HILLS,
SUBRAMANYAPURA PO,
BANGALORE - 560 061.

...PETITIONER

(BY SRI. C V SRINIVASA, ADVOCATE)

AND:

1. POORNIMA. A,
W/O DARSHANIK M.M,
AGED ABOUT 38 YEARS,
2. VAHNISHKA GOWDA,
D/O DARSHANIK M.M,
AGED ABOUT 6 YEARS,
R-2 IS THE MINOR,
REP. BY HER MOTHER R-1,





BOTH ARE R/AT NO.868, IV CROSS,
26TH CROSS, BTM LAYOUT II STAGE,
BANGALORE - 560 361.

...RESPONDENTS

(BY SRI.CHANDRASHEKAR PATIL, ADVOCATE FOR R1 AND R2)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASH ORDER
DATED 24.12.2025 PRODUCED VIDE ANNEX-A PASSED BY THE
HONORABLE PRL. JUDGE, FAMILY COURT AT BANGALORE IN
CRL. MUSC NO. 274/2024 AND TO ALLOW THE APPLICATION
FILED BY THE PETITIONER UNDER SECTION 10 OF FAMILY
COURTS ACT, R/W SECTION 151 OF CPC AND ETC.,

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

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA



ORAL ORDER

Heard Sri.C.V.Srinivasa learned counsel for the petitioner as well as Sri.Chandrashekar Patil learned counsel for respondents.

2. Seeking the Court to issue a writ of certiorari and to quash the order that is passed by the Court of Principal Judge, Family Court, Bangalore on I.A. No.VIII in Criminal Miscellaneous Case No.274/2024 dated 24.12.2025, this writ petition is filed.

3. As the relationship between the parties is not in dispute, writ petitioner will hereinafter be referred to as the husband, respondent No.1 as wife and respondent No.2 as child.

4. The flow of events as submitted by both the learned counsel, which ultimately resulted in filing of this writ petition are that in the proceedings that are pending in Criminal Miscellaneous Case No.408/2019, wife and child filed an interlocutory application which came to be



numbered as I.A.II seeking the Court to direct petitioner/husband to pay them Rs.3,00,000/- per month as maintenance. The Court of Principal Judge, Family Court, Bangalore decided the said application on 16.01.2024 holding that wife is entitled to Rs.40,000/- per month towards interim maintenance and the child is entitled to a sum of Rs.20,000/- per month. The Court directed petitioner/husband to pay wife the interim maintenance granted from 01.07.2020 and to the child from 12.06.2019. Said order was challenged by the wife and child by filing a writ petition vide WP No.12442/2024. This Court disposed the said writ petition enhancing the maintenance that was granted by the Family Court to wife from Rs.40,000/- to Rs.60,000/-. Aggrieved by the decision thus taken, husband approached Hon'ble Supreme Court of India by filing the Special Leave Petition. The said Special Leave Petition vide SLP (Criminal) Diary No.59790/2024 was dismissed. Thereafter, wife and child filed an execution petition that is



Criminal Miscellaneous Case No.274/2024. In the said case, husband filed I.A No.VIII to stay all further proceedings till the issue of adultery and the application filed for alteration of the order through which interim maintenance was granted are decided by the Family Court. I.A No.VIII was dismissed and aggrieved by the same, this writ petition is filed.

6. Learned counsel for the petitioner/husband submits that wife lives in adultery. She was caught red-handed by the husband. The paramour of the wife is none other than the employer of his wife. Also wife has got her own source of earnings and therefore she is not entitled for maintenance. Husband filed a petition for amendment of his statement of objections six months back and the same was allowed. Though husband was suspecting the fidelity of the wife, he could not get concrete material to establish the said fact till recently. Likewise husband recently collected material to prove that his wife is earning. Husband is ready to pay maintenance to the



child. But as the wife is leading adulterous life, he is not entitled to pay any maintenance to the wife. Therefore, husband filed I.A. No.VIII seeking to stay the execution proceedings till the plea of adultery and the employment of the wife are decided. But the Family Court dismissed said application and therefore this appeal is filed. Learned counsel thereby seeks to allow this writ petition.

7. Per contra, learned counsel for respondents submits that I.A No.II was decided on 16.01.2024. Husband has taken false plea of adultery and employment of his wife very recently by filing an amendment petition. He has not taken any such plea at any time before the decision on I.A. No. II through which interim maintenance was granted. As per orders on I.A No.II, husband is required to pay maintenance from 2020 to his wife and 2019 to his child. Arrears of maintenance is more than Rs.45 lakhs. Without paying said amount, husband is filing petitions after petitions only to escape the penal action by the Family Court. Learned counsel also states that



husband himself filed a petition for restitution of conjugal rights and the same is pending. Learned counsel thereby seeks to dismiss this writ petition.

8. Undisputedly, the order by which interim maintenance was granted by the Court of Principal Judge, Family Court, Bengaluru i.e., order on I.A No.II in Criminal Miscellaneous Case No.408/2019 dated 16.01.2024 was challenged before this Court by the wife and child with a contention that the maintenance granted is on lower side and this Court through orders in writ petition No.12442/2024 having heard both parties enhanced the sum that was granted towards interim maintenance in favour of the wife. The said order was challenged by the husband by filing a Special Leave Petition before the Hon'ble Supreme Court and the said Special Leave petition stood dismissed at admission stage itself.

9. Adultery on part of the wife and her employment even as per the submission that is made by learned



counsel who represents the husband are pleas that were taken by the husband subsequently. Therefore, as rightly contented by learned counsel for respondents, those pleas cannot form basis for stalling the execution proceedings. Hence, this Court is of the view that Family Court did not err in dismissing I.A VIII which is filed to stay all further proceedings in the execution petition filed by wife and child. Thus, this Court ultimately holds that there are no merits in this writ petition.

Resultantly, the writ petition stands dismissed.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

VS
List No.: 1 Sl No.: 1